

**THE CRISIS
AT BERKELEY**
STEVEN F. HAYWARD

the weekly

Standard

MAY 15, 2017

\$5.99

The Voice in His Ear

Jared Kushner's
access to power

BY MICHAEL WARREN

T.S. JESSILL

WEEKLYSTANDARD.COM

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May 15, 2017 • Volume 22, Number 34



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COVER BY TIM JESSELL

The Revolution Devours Its Children Dept.

It's getting harder and harder to be politically correct, no matter how assiduously one may try. Consider the tale of the poor feminist philosopher who has gotten herself sideways with the prickly Jacobins of her profession.

Rebecca Tuvel is an assistant professor of philosophy at Rhodes College in Memphis. When she submitted an article to an academic journal of "feminist philosophy," *Hypatia*, she thought she was being as progressive as progressive can be. The article "In Defense of Transracialism" was written, she says, "from a place of support for those with non-normative identities," including not just those who identify with a gender other than the one they were born with (think Caitlyn Jenner), but also those who identify as a race not originally their own (think Rachel Dolezal). She hoped to show that "arguments that support transgenderism support transracialism."

When her article appeared in the esteemed journal, the backlash against Tuvel was as swift as it was

severe. Junior professors specializing in race and gender rushed to denounce her, many through those most intellectually rigorous and peer-reviewed of venues, social media. Nora Berenstain—assistant professor and no doubt important thinker at the prestigious University of Tennessee—was typical, taking to Facebook to accuse Tuvel of "discursive transmisogynistic violence."

Oh, no! Not *discursive transmisogynistic violence*! Someone get the snowflakes to a safe space!

Tuvel seems to have committed a whole slew of offenses we might call "trans-gressions"—the inevitable faults, grievous faults, that even true believers commit in efforts to talk about trans persons. For example, as activists will be quick to let you know (and to denounce you for not having already known), "being transgender" is

respectful lingo but the word "transgenderism" is a no-no. To which THE SCRAPBOOK can only say, *Whatever*—just be sure to give us advance warning when the term "being transgender" will itself be judged hate speech so that we have time to learn whatever new terminology has been approved by whoever seems to care (and, oh my goodness, do they care) about such things.

Met with a teapot-tempest over Tuvel's article, the courageous editors of *Hypatia* promptly capitulated, not only retracting the piece but confessing their error in having published it in the first place: "We ... extend our profound apology to our friends and colleagues in feminist philosophy, especially transfeminists, queer feminists, and feminists of color, for the harms that the publication of the article on transracialism has caused." It gets more craven from there.

If THE SCRAPBOOK ever ends up in a foxhole, we hope it won't be with editors of a journal of feminist philosophy. ♦



Dolezal



Jenner

Tears of the Times

We suspect we are not the only ones amused by the *New York Times* editorial board's anguish upon hearing that former president Barack Obama will be pocketing \$400,000 from investment firm Cantor Fitzgerald to speak at a health care conference in September.

"[I]t is disheartening that a man whose historic candidacy was premised on a moral examination of politics now joins almost every modern president in cashing in," the *Times* boo-hoed. "And it shows surprising tone deafness, more likely to be expected

from the billionaires the Obamas have vacationed with these past months than from a president keenly attuned to the worries and resentments of the 99 percent."

THE SCRAPBOOK knows this may be

heartbreaking for some to contemplate, but perhaps Obama never really was that "keenly attuned" to the concerns of the 99 percent to begin with.

Still, Obama has shown that he doesn't need to push the (cash-stuffed) envelope. He might easily have commanded a million dollars for his upcoming speech. Perhaps the *Times* should commend him for exercising restraint.

The Obamas have shown there's no need to rush to the bank. They already have an astounding \$65 million two-book deal for his-and-her memoirs, the first of what's likely to be an endless supply of moneymaking opportunities.



Richard Branson hazes future Billionaires' Club pledge.

All of this to say the poor dears at the *Times* should steel themselves for the disappointments to come. Whether they like it or not, chances are the 44th president is going to go from palling around with billionaires to becoming one. ♦

Yard Spiel

The *Washington Post* started the month with another in what seems to be a series of stories proclaiming electoral doom for Republicans. This was the front-page headline: “Kansas’s blue hope: In a deep-red state ruled by Koch money, buoyed Democrats toil to flip seats one yard sale at a time.” Let’s leave aside the interesting question of whether the state of Kansas is, in fact, “ruled by Koch money”—Koch Industries may be headquartered in Wichita, but the *Post* offered no evidence the company somehow “rules” the state. No, what intrigued us was the headline’s promise that a red-to-blue revolution is coming.

The front-page photograph featured three women, political activists all, celebrating a purchase at a Democratic fundraising yard sale. On the jump-page were photos of a few other women at the same yard sale. If this is a groundswell, where is everybody?

One might ask the same question after reading the article. The congressional district in question is the one Mike Pompeo represented before he left the House to become Trump’s CIA director. So, what happened in the special election to fill the seat?



Wichita Democrats hard at work:
Can you spot the upsurge?

CRAIG HACKER / WASHINGTON POST / GETTY



Did the district turn from red to blue? No. The Republican won—albeit with less than the percentage Trump enjoyed there in November. And how about the Democratic activists featured in the *Post* article? Two had themselves run for state legislative office—and lost by wide margins. Even the yard sale was something of a bust: In the reporter’s account, a surprising number of customers declined to buy anything when they learned proceeds were going to the local Democratic party.

None of this tells us anything new, of course: Republicans and Democrats remain antagonistic in Kansas as elsewhere; and for political activ-

ists of all stripes, hope springs eternal.

Yet what, exactly, is the purpose of heralding on the front page that Kansas is being turned “blue” by flipping seats “one yard sale at a time” when no seats have flipped, Kansas evidently remains deep red, and even the story’s evocative news-peg—the yard sale—is a flop? ♦

Political Hardball

It’s been a tough time for ESPN. The network is losing money and viewers, and just laid off more than a hundred employees, including some of its best-known faces. It’s committed unforced errors: To celebrate National

Poetry Month, The Worldwide Leader in Sports published a poem in praise of a woman convicted of killing a police officer, a murderer who has been in Cuba for the last four decades hiding from the American justice system. The poem was eventually withdrawn



from ESPNw, a website designed to appeal to a female audience, but the larger question remains: What's going on in Bristol?

Some commentators contend that ESPN's social justice messaging is pushing away viewers who look to sports as a respite from our toxic politics, who just want to pop open a beer at the end of the day and relax. Defenders argue that the network is performing a valuable public service, addressing issues of race that vex our games no less than society. Fair enough: The sports journalist unwilling to cover the ugly racist taunting of Orioles outfielder Adam Jones coming from the Fenway bleachers should hand in his guild card.

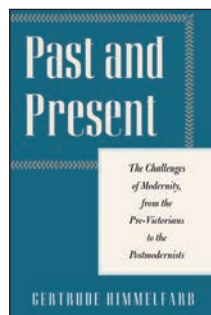
But as to the question of whether ESPN has become MESPN, there are some who say that the sports network can't be called "liberal." Why not? Because "I don't see them giving a damn about the environment," Kelly McBride (who once "served in an ombudsman role at ESPN") told

Politico. If you're worried about the new Las Vegas football stadium's role in the further desertification of the Nevada desert, ESPN isn't for you.

The anti-Trump "resistance" model, employed by CNN and the *New York Times*, standard-bearers of an openly and proudly partisan press, is paying dividends, for now. It seems to be in that spirit that McBride (these days an eminence in journalistic ethics at the Poynter Institute) advises that "not every story has two sides." Except the entire premise of sports journalism is that there are always two sides, the home team and the other guys. Maybe political journalism could learn more from its sports sibling than the other way around. ♦

Buy This Book!

THE SCRAPBOOK is especially pleased to note that our friends at Encounter Books have just published a collection of 20 recent essays by Gertrude Himmelfarb—*Past and Present: The Challenges of Modernity, from the Pre-Victorians to the Postmodernists*. Of those 20 pieces, 11 first appeared in the pages of this magazine.



Himmelfarb—historian, philosopher, scholar of ideas, trenchant essayist, wife of Irving Kristol, and mother of Bill—needs no introduction here. But the real value of her new book is her extraordinary gift for explaining the present by examining the past, and her rare ability to transport thinkers and doers from history—Walter Bagehot, Winston Churchill, Lionel Trilling, Benjamin Disraeli—to help us understand our own perplexing times.

Best of all, it's a great read: Himmelfarb is a prose magician, and her insights and judgments are pleasurable and illuminating, even funny, in equal measure. ♦

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The Weekly Standard (ISSN 1083-3013), a division of Clarity Media Group, is published weekly (except the first week in January, third week in April, first week in July, and third week in August) at 1152 15th St., NW, Suite 200, Washington, DC 20005. Periodicals postage paid at Washington, DC, and additional mailing offices. Postmaster: Send address changes to The Weekly Standard, P.O. Box 421203, Palm Coast, FL 32142-1203. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-274-7293. Subscribers: Please send new subscription orders and changes of address to The Weekly Standard, P.O. Box 421203, Palm Coast, FL 32142-1203. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-386-597-4378 for subscription inquiries. American Express, Visa/MasterCard payments accepted. Cover price, \$5.99. Back issues, \$5.99 (includes postage and handling). Send letters to the editor to The Weekly Standard, 1152 15th Street, NW, Suite 200, Washington, DC 20005-4617. For a copy of The Weekly Standard Privacy Policy, visit www.weeklystandard.com or write to Customer Service, The Weekly Standard, 1152 15th St., NW, Suite 200, Washington, DC 20005. Copyright 2017, Clarity Media Group. All rights reserved. No material in The Weekly Standard may be reprinted without permission of the copyright owner. The Weekly Standard is a registered trademark of Clarity Media Group.



Do Culture and Politics Mix?

In Aristophanes' play *The Knights*, I came upon the following sentence, spoken by the Greek general Demosthenes to a sausage-seller whom the gods have prophesied will become the next leader of Athens: "No, political leadership's no longer a job for a man of education and good character, but for the ignorant and disgusting."

For some years I have thought that there isn't a single member of Congress I'd care to meet for a cup of coffee. The last politician whom I did care to meet was Daniel Patrick Moynihan. He contributed to a magazine I once edited, and would call me occasionally but never to talk politics. Our last conversation was about Émile Durkheim, the 19th-century French philosopher said to be the founder of modern social science. Moynihan was himself a social scientist before he became a politician, which, along with his high spirits, gave him a breadth of interest and high sense of disinterest.

As for cultivated American politicians, none perhaps surpassed Thomas Jefferson. His personal library of more than 6,000 books was for use, not show, and its catalogue demonstrates Jefferson's impressive range of learning. John Adams was a thoughtful and educated man, and so were the Founding Fathers generally. Culturally, things begin to thin out with Andrew Jackson, though Abraham Lincoln's majestic prose style bespeaks a man of deep if not necessarily wide culture.

Woodrow Wilson was president of Princeton. J. William Fulbright, who sat for 30 years in the Senate, was a Rhodes scholar. Jimmy Carter and Bill Clinton were both of the good-student type—Mr. Carter at the Naval Academy, Mr. Clinton at Georgetown, Yale Law School, and Oxford—but neither man could be said to be weighed down by culture. John F. Kennedy

was thought to have been an intellectual, but it is more accurate to say that he hired intellectuals: Arthur M. Schlesinger Jr. and John Kenneth Galbraith, among others. Kennedy's own favorite reading was the James Bond novels of Ian Fleming. If there are currently in Congress any members with other than legalistic learning, they are cleverly hiding it.

But, then, would culture—by which I mean knowledge of the past learned through history; a sense of heightened perfection and apprecia-



tion of the variety of human nature gained through the experience of art; a love of tradition—in fact be an encumbrance upon the modern politician? A man or woman with anything resembling serious cultural attainments might just find it difficult to bear up under the bruising demands of contemporary politics. The nightmare of reporters' relentless search for scandal among people in public life would alone make it a trial. Television news would offer no relief. The prospect of being interviewed by Chuck Todd or Sean Hannity would clearly not be his or her notion of a good time.

A person of true culture, with a steady vision of the ideal of the good society, would probably loathe the

notion of spin, find himself appalled by the pressure exerted upon him by special interests, be nauseated by the corruption of his colleagues who enrich themselves while claiming to be wily for the public good. Enmeshed in the everyday cut and thrust of contemporary politics, a cultured man or woman would likely spend a fair amount of his or her time squirming.

This is not because culture makes one fainthearted or too refined or virtuous for politics. But true culture would tend to put one above pure partisanship. The last cultured political columnist, Walter Lippmann, was unpredictable in his views because he thought not like a liberal or a conservative but about what was best for the country. Moynihan, before becoming a Democratic senator, worked for the Kennedy, Johnson, and Nixon administrations. He was able to do so because he, too, was ultimately above party; he, too, wanted what was best for the country.

Of course, everyone in politics thinks he knows what is good for the country. Bernie Sanders and Elizabeth Warren are confident they know; so are the members of the Republican Freedom Caucus, as are Messrs. and Madame McConnell and Schumer, Ryan and Pelosi. Ask any of them and you will hear that what is good for the country is what he or she believes is good for the country. Discussion closed, and with it the larger idea of the national good. Which leaves us where we are today, with the advice that Demosthenes offers the sausage-seller sounding quite sensible:

"To win the people, always cook them some savory that pleases them. Besides, you possess all the attributes of a demagogue: a screeching, horrible voice, a perverse, cross-grained nature, and the language of the market-place. In you all is united which is needful for governing."

Aristophanes, clever fellow, some two millennia before now, appears to have nailed it.

JOSEPH EPSTEIN

After Trump

"It is safer to try to understand the low in the light of the high than the high in the light of the low. In doing the latter one necessarily distorts the high, whereas in doing the former one does not deprive the low of the freedom to reveal itself as fully as what it is."

—Leo Strauss

It is safer to try to understand the current state of American politics in light of what has gone before—and, we trust, in light of what will come after—than to understand America's past and future in light of the present moment. It's safer to try to understand Donald Trump in light of the American political tradition than to view American politics reflected via the funhouse mirror of Trumpism. The American political tradition has never assumed that enlightened statesmen will always be at the helm. It has always understood that demagoguery is an inescapable feature of democracy, and that occasionally demagogues would prevail. Indeed, Americans know well that at many times and in many ways we have fallen grievously short of vindicating the capacity of mankind for self-government that is good government.

The present moment is not one to be proud of. The normal vulgarity of democratic politics has become the shameless demagoguery of democratic decadence. The routine operation of party politics has given way to the mindless polarization of partisan fanatics. The characteristic limitations of popular leaders have yielded to an abdication of leadership itself. A public life with occasional cringeworthy moments has been replaced by one that is on the whole cringeworthy. A generation of self-regarding and self-indulgent baby boomers is about to be succeeded by a generation of apparently self-absorbed and self-referential millennials.

But the present moment is only . . . a moment. We're in a period of fundamental economic, social, and cultural transition. Such times can produce leader-

ship that is informed, serious, and high-minded. But the initial response has often been a moment of denial and demagoguery.

Consider the presidential race of 2016. At a time calling for fresh thinking, the parties selected the oldest and least compelling pair of candidates ever to be placed simultaneously before the American people. As if determined to vindicate Max Weber's prediction that modernity was tending toward the extinction of every human possibility except "specialists without spirit or vision

and voluptuaries without heart," the parties gave voters a choice between Hillary Clinton and Donald Trump. The voters did their best, denying a popular vote majority to both of them. Still, someone had to win, and someone did.

Now we have to deal with the consequences of 2016. There's work to be done to limit the damage and secure some benefits from a Trump presidency. There's the challenge of making sound judgments in a political scene characterized by confused Republicans battling hys-

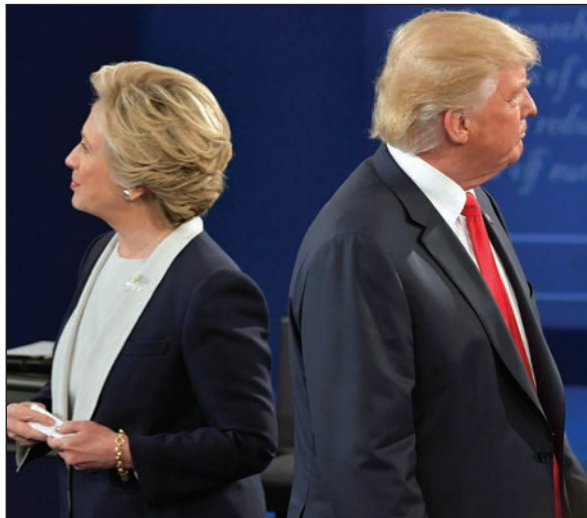
terical Democrats, and of navigating an environment in which conservatism is adrift and liberalism has gone off the rails.

Those efforts are important. But even more important is the task of shaping the future. For we need to keep in mind a simple fact: There will be life after Trump. And we can't let our understanding of the possibilities of the future be defined by the debilities of the present.

To the contrary. One senses that Americans are already experiencing a healthy revulsion against the embarrassing political scene in which we find ourselves. What comes next is taking control of our fate and turning that revulsion into the construction, after Trump, of a new politics of liberty, a new ethic of responsibility, and a new vision of national greatness.

Hoc opus, hic labor est. This is the work, this is the labor.

—William Kristol



Cracked Foundation

Heritage's sudden shakeup.

BY JOHN MCCORMACK

When news broke that Jim DeMint, the former South Carolina senator and president of the Heritage Foundation, was being removed from his role at the prominent conservative think tank, activists and political insiders wondered: Had the Founding Father of the Tea Party finally been defeated by his longtime foes in the GOP establishment? “If Heritage pushes Jim DeMint out, it was because a few board members, who are close to the Republican establishment, never wanted him to be president and have been working to push him out ever since,” one operative who had worked with Heritage told *Politico*, which broke the news of DeMint’s imminent departure on April 28.

The speculation made a certain amount of sense: This was Jim DeMint, after all, the man who had clashed with Senate Republican leader Mitch McConnell and bucked the GOP establishment in order to help elect conservatives Marco Rubio, Pat Toomey, Mike Lee, Rand Paul, and Ben Sasse to the Senate.

But in the following days, both DeMint’s allies and critics close to Heritage painted a different picture. Both sides agreed that the departure had little to do with ideological disputes. But they sharply disagreed about why DeMint was axed.

In reports in the *Atlantic*, *Politico*, and the *Washington Examiner*, DeMint’s allies said he had simply lost an internal power struggle with Michael

Needham, the 35-year-old CEO of Heritage Action, the think tank’s legally distinct activist and lobbying wing. Needham also has a reputation for having an antagonistic relationship with the Republican establishment. DeMint supporters accused Needham of using any argument he could—pro-Trump or anti-Trump—to turn board members against DeMint, with the ultimate goal of becoming the foundation’s president.

That characterization was disputed by DeMint’s critics, including Bill Walton, a member of the Heritage Foundation’s board of trustees, which unanimously requested and received DeMint’s resignation on May 2. “This is not a Needham-versus-DeMint power struggle, and it was not about having different views about conservative policy,” Walton told me. Walton expects Heritage will find a new president

in a matter of months and it won’t be Needham. “Mike’s brilliant,” Walton said, but the Heritage president needs to be “somebody with a track record of running a significant institution, and that’s not his background as of yet.”

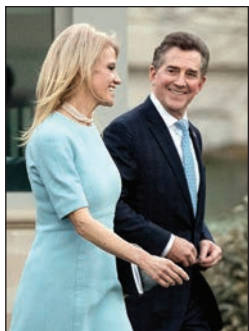
“When the board of trustees announced DeMint’s departure on May 2, a statement from chairman Thomas Saunders accused DeMint of “significant and worsening management issues that led to a breakdown of internal communications and cooperation.” DeMint responded with a statement listing a number of achievements—including Heritage’s key role in the Trump transition—and pointing out that the University of Pennsylvania had named Heritage one of the best-

managed think tanks in the country.

The board didn’t name any specific problems with DeMint’s management style, but Bill Walton came up with a few in his interview with *TWS*. The top layer of management beneath DeMint, known as group vice presidents, was filled by his former Senate staffers, and “they set up a system where you couldn’t get anything out of research until the group vice presidents read it. And they were busy doing their own jobs,” Walton said. “So we had some instances where people would write things, and we couldn’t get them out in a timely fashion.” Walton also said that some sound research was rejected on ideological grounds, but he declined to provide specific examples.

Paul Winfree, a former Heritage analyst who now works at the White House, took to social media to defend the research department. “I worked in two different research departments at Heritage under the helm of both Feulner & DeMint,” Winfree wrote on Twitter. “The research shops were always protected by management from [politicization].” DeMint’s defenders said this criticism of the research department was simply an attack on Heritage’s longstanding policy to speak with one voice. “Literally the entire story of Heritage from its founding is that it’s not an ivory tower think tank,” said one DeMint ally. “Heritage is a do-tank that works to be relevant to the conversation, to lead the conservative movement, speak with one voice. You can’t speak with one voice if you have multiple researchers who write on their own without any review, without any conversation, without any collaboration.” Such vetting, the DeMint ally said, is what made Heritage different from think tanks like the American Enterprise Institute and Brookings, and without it, that’s how Heritage ended up with “an individual mandate [to buy health insurance], and supporting the bailout, and Romneycare”—all policies different Heritage scholars had endorsed before DeMint’s arrival.

But the board’s criticism of DeMint’s management style wasn’t limited to the research department.



DeMint and Trump adviser Kellyanne Conway at the White House, March 8

John McCormack is a senior writer at THE WEEKLY STANDARD.

ANDREW HARNIK / AP

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Another instance of DeMint's poor management, Walton said, was when "we had somebody who was invited to the White House and wanted to bring along one of our health care experts and had to get approval from the management committee, and that was slow in coming, so we missed the opportunity to take our own health care expert to join in the debate on the health care plan. It was things like that."

Walton declined to discuss the White House meeting in greater detail, but according to sources familiar with the situation, this dispute underscores the fact that DeMint's ouster was at least in part a power struggle with Heritage Action. Needham had been invited to discuss the GOP's Obamacare repeal-and-replace efforts with Vice President Mike Pence at the White House on April 3. The topic of discussion was an amendment that would provide waivers for Obamacare's regulations to states under certain conditions, and Needham had requested the day before that a foundation scholar join him.

The foundation's leadership rejected this request, according to a source, not because they were angling for a specific legislative outcome on the American Health Care Act, but to give their scholars the opportunity to analyze a proposal that hadn't yet been put into legislative text. With the congressional recess fast approaching, there was intense pressure to hold a vote, and Heritage Foundation leadership didn't want to get boxed in at a White House meeting, coaxed into supporting a plan that hadn't been vetted.

It's easy to see how this incident could be interpreted (or spun) in different ways: Was DeMint's team ruling with a heavy hand, or was Needham making a power play against DeMint? Was the foundation protecting its scholars from political pressure or protecting its turf? Whatever the truth, that story—and others like it—made their way back to Heritage's governing board and played a prime role in the ouster of one of America's most prominent conservative figures from one of the country's most powerful conservative institutions. ♦

You're Mired!

Trump's underwater approval ratings.

BY JAY COST

President Donald Trump passed the 100-day mark in office last week. While the West Wing staff tried furiously to spin his executive pronouncements as a demonstration that he has kept his campaign promises, he can so far boast of zero legislative accomplishments of note. Worse, no prospective legislative victories are very far along in the congressional pipeline—both health care reform and a tax overhaul remain, at best, months away from completion. Worst of all, no president since opinion polling began has been as unpopular as Trump in his first 100 days. A raft of polls suggests that voters are deeply concerned about his fitness for the job. As much as Trump needs to put some points up on the legislative scoreboard, he desperately needs to improve these impressions, if he hopes to win a second term.

The Gallup poll regularly finds Trump's job approval in the low 40s, and occasionally in the high 30s, but so far it has not sunk below that. The president seems to have hit a floor that is built on strong support from self-identified Republicans, about 90 percent of whom approve of the president. This is reminiscent of Obama's job approval rating for much of his presidency—though the 44th president was polarizing, he was never broadly unpopular because Democrats stuck with him, even as independent voters did not.

This should be of cold comfort to congressional Republicans. After all, Democrats suffered historic down-ballot losses during Obama's presidency. However polarized politics has become over the last generation, there

remains a small quantum of independent, unaffiliated voters who make the electoral difference—in Congress, state legislatures, and governorships. Right now, these voters are about as sour on Trump as they ever were on Obama.

What is driving this disenchantment? It is certainly not the usual big issues. Consumer confidence, as measured by the Conference Board, is the highest it has been since the 1990s. The country is not losing soldiers overseas in deadly foreign entanglements. Usually, these are the keys to understanding presidential job approval, which is informed by the state of the union generally. Though the union is relatively strong, people are not happy with the commander in chief. It is all the more unusual seeing that voters give Trump slightly positive marks on his handling of the economy (49 percent approval in the recent CNN/ORC poll) and national security (50 percent approval). Polls conducted over the last month have also found Trump in generally positive territory for his handling of Syria, China, North Korea, and ISIS.

Some of Trump's unpopularity may be reducible to his commitment to staunch immigration policies, which tend to be unpopular outside the GOP base. Additionally, voters have disapproved of the House Republican effort to reform health care, and Trump's



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THOMAS FLUHARTY

numbers have suffered accordingly—polls by CNN/ORC and Fox News found his approval on this issue in the mid-30s.

But a focus on issues overlooks the elephant in the room: Voters remain very concerned about whether Trump is up to the job. This is manifest in an array of polling questions from multiple outlets. CNN/ORC found a 52 percent majority worries that Trump's approach to governing has "unnecessarily" put the country at risk; 51 percent do not think he is trying hard enough to be a good president; and 56 percent do not believe he has put a good team together. An astonishing 63 percent of respondents in the recent Quinnipiac University poll do not think Trump is "level headed," while 52 percent say that the November election makes them feel "less safe." Similarly, the ABC News/*Washington Post* poll found 59 percent think Trump lacks the right temperament to be president.

These sorts of numbers are unprecedented in public opinion polling on new presidents. It is not uncommon for presidents who won the White House with less than half the vote to come into office with relatively weak approval numbers. According to the Gallup poll, George W. Bush entered office with 57 percent approval, and Bill Clinton entered with 58 percent. Given the particularly bitter feelings surrounding the 2016 election, it is no wonder that Trump's starting approval was in the mid-40s. It is also not unprecedented for presidents to quickly become unpopular. Clinton's popularity had slipped into the 30s by early June 1993, and Harry Truman's approval rating started in the high 80s, but sank into the mid-30s over the course of 18 months. But those slides had to do with external events—Clinton was embroiled in scandals and Truman struggled to handle the transition to a postwar economy.

No other president has turned off voters so *needlessly*. Indeed, the most telling result from the batch of recent polling came from Quinnipiac, which asked respondents whether Trump should continue tweeting. A whopping 68 percent said that he should not.

Even Republicans were split on the matter—47 percent saying he should continue and 47 percent saying he should give it up.

Put simply, Donald Trump remains his own worst enemy. He entered the White House amidst peace and prosperity, and with a stronger congressional majority than any Republican since Herbert Hoover in 1929. While liberals and Democrats are bitter about last year's results, many Americans no doubt want to put the vitriol of 2016 behind them—but Trump's antics have repelled them.

It seems as though the president has yet to figure out that while governing in 21st-century America requires a dash of showmanship, it is of a substantially

different kind from what Trump is used to providing. Courting controversy may be good for the ratings of a successful TV show like *Celebrity Apprentice*, with fewer than 10 million viewers. But there are nearly 140 million American voters, and successful politicians endeavor to be *broadly popular* with this diverse population.

If Trump does not turn around the views that Americans have of him, two things will happen. First, he will lose his congressional majority, probably starting with the House in 2018. Second, he will lose the White House. Americans are simply not going to reelect somebody they think is not levelheaded, makes them feel less safe, and is not trying hard enough. ♦

Fake Law

How Trump-hatred warps the judiciary.

BY MARC O. DEGIROLAMI

Something ugly is happening to the First Amendment. It is being contorted to enable judges to protest Donald Trump's presidency. The perennial impulse of judges to manipulate the law to achieve morally and politically desirable ends has only been exacerbated by the felt necessity to "resist" Trump. The result: Legal tests concerning the freedoms of speech and religion that in some cases were already highly dubious are being further deformed and twisted.

Welcome to the rise of fake law. Just as fake news spreads ideologically motivated misinformation with a newsy veneer, fake law brings us judicial posturing, virtue signaling, and opinionating masquerading as jurisprudence. And just as fake news augurs the end of authoritative reporting, fake law portends the diminution of law's legitimacy and the warping of judges'

self-understanding of their constitutional role.

Those who try to police the relentlessly transformational projects of constitutional progressives had much to dread from the Obama administration, an inveterate ally of the legal left that did what it could to graft the aspirations of progressives onto the Constitution. But Trump's presidency may be even worse, because too many judges now feel called to "resist" Trump and all his works—no matter the cost to the law's authority and to the integrity of the judicial role.

In one recent deformation, Trump was sued for incitement to riot and assault and battery when, at a campaign rally before he became president, he said "Get 'em out of here" in response to protesters in the audience. Several of these protesters were subsequently pushed and struck by others in the crowd. A Kentucky federal district judge ruled that the case against Trump could proceed because "Get 'em out of here" could reasonably be

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interpreted as an exhortation to attack the protesters.

The most astonishing part is the court's conclusion that the statement is not protected by the speech clause of the First Amendment because it is plausible to think Trump was inciting a riot. Though the court cites the highly speech-protective test from *Brandenburg v. Ohio*, in which the Supreme Court held that the freedom of speech does not permit the government "to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action," it mangles it. What part of "Get 'em out of here" could plausibly be interpreted as advocating illegal activity, rather than a call for the assistance of security officers? Where is the explicit advocacy of illegality?

Brandenburg involved a KKK member advocating on film the possibility of "revengeance" against African Americans and Jews, along with other hateful speech. In an earlier case, *Terminiello v. City of Chicago*, a rabble-rousing priest whipped up an angry throng to confront an enraged mob, shouting: "[T]here will be violence. . . . We will not be tolerant of that mob out there. . . . We are going to stand up and dare them to smear us. . . . We don't want them here; we want them to go back to where they came from." In both cases, the Supreme Court held that these words were constitutionally protected free speech. Neither what Trump said nor the context of his speech is even in the same universe.

And yet this district court found a way to rule that the president of the United States might be deposed on the question of incitement to criminal violence because Trump had on some other occasions "condoned violence," and because had Trump actually wanted the assistance of security officers to remove the protesters, "Trump would have instructed the intervening audience members to stop what they were doing."

It is not possible to explain this

jaw-dropping ruling—one that flies in the face of binding Supreme Court precedent—without reference to extralegal factors: the desire to embarrass the president, for example, or to create mischief for him, or to signal opposition to him. That Trump had previously "condoned violence" is irrelevant to whether he incited a riot at this rally. It is highly relevant, however, if one's purpose is grandstanding to injure a political opponent.

An even more appalling specimen of fake law has been generated by Trump's executive order restricting entry into the country by nationals of six foreign countries for 90 days and suspending refugee admission for



Big, satisfied smiles: Washington state attorney general Bob Ferguson and staff enjoy having thwarted a Trump immigration order in federal court, February 9.

120 days. In one court order, a Hawaii federal district judge rejected the government's claim that the six nations posed special security threats (on this, the Trump and Obama administrations are aligned) and concluded that the order violated the establishment clause. Relying principally on obscure dicta from Justice David Souter's opinion for the Supreme Court in *McCreary County v. ACLU* (2005), the court held that the "unique," "remarkable" "historical context" of the order, "full of religious animus, invective, and obvious pretext," tainted it with anti-Muslim bias and therefore evidenced a purpose to make a law respecting an establishment of religion.

The court pointed to campaign statements by Trump that "Islam hates us" and by his "surrogate" (a media term appropriated by the judge) Rudy Giuliani's description of a campaign conversation with Trump about a "Muslim ban" to justify its holding.

This executive order was narrower than its predecessor—but somehow that counted against the government. In reaffirming its decision in a preliminary injunction, the court erupted in sanctimonious disgust: "The Court will not crawl into a corner, pull the shutters closed, and pretend it has not seen what it has."

McCreary County was a 5-4 decision in which the Supreme Court concluded that two Kentucky counties' displays of the Ten Commandments in their respective courthouses were unconstitutional because each of three iterations of the displays evinced to a "reasonable observer" the same impermissible, nonsecular purpose—the promotion of Christianity. "Reasonable observers," the Court intoned, "have reasonable memories."

And unreasonable observers have unreasonable ones. Put to one side that the Supreme Court has never yet applied the establishment clause to foreign claims—a fact not even acknowledged by this judge. What makes the Hawaii court ruling so absurd—and such a clear example of fake law—is the district judge's use of campaign statements by people without any lawmaking power when they were made to identify the order's purpose. The Ten Commandments case was at least an attempt to discern government purpose because there was actually a government with a law-making history whose purpose could ostensibly be investigated. What "legislative history" did this judge consult? Campaign rhetoric, and the media spouting of a "surrogate" who has no role at all in the current administration.

A large part of the blame for this abomination falls on the Supreme Court. It was only a matter of time before the hollowness of its favored establishment clause test—which focuses on impure motivations, perceived slights, and the hurt feelings of political exclusion—would be exposed in the patently unreasonable use of irrelevant and illimitable "context." The reasonable observer, it seems, is not the judge who faithfully applies the law but the politically motivated judge

who swells the scope of the establishment clause and wears his contempt for the president like a medal.

Trump, too, is responsible. His incompetence, his pugnacity, his reliably ill-advised policies, and his boorishness combine to cause his political adversaries to see all shades of red in whatever he does. Enraged legal academics have manufactured grotesque theories about the emoluments clause, the Electoral College,

and the establishment clause just to bring him down.

As more courts succumb to similar Trump-hatred in the exercise of their constitutional duties, the damage to the law's legitimacy and to the institution of the judiciary will only intensify. As with fake news, it is one of the pathologies of fake law that we are likely to forget what real law looks like. Soon enough, we won't even know the difference. ♦

The Swamp Suburb

As goes Fairfax County, so goes Virginia?

BY FRED BARNES

Asked why Virginia has become a Democratic state or at least is Democratic-leaning, former governor Jim Gilmore had a one-word answer: "Fairfax."

Fairfax County, population 1.1 million, is a wealthy, highly educated, and increasingly liberal suburb of Washington. In 2016, Hillary Clinton trounced Donald Trump in Fairfax by nearly 200,000 votes, more than enough to guarantee she would carry the state.

Crowning a Democratic candidate is a new role for Fairfax. It's only in recent years that it has produced Democratic landslides. Presidents Ronald Reagan, George H.W. Bush, and George W. Bush—Republicans all—won the county and the state. So did GOP nominee Bob Dole in 1996.

But none of them won as emphatically as Clinton. And it was a signal of the political change that has overtaken Virginia, thanks especially to a single county, Fairfax.

Republicans aren't doomed in Virginia. But their political trajectory is pointing that way. Not since 2009 has a Republican candidate won statewide. That was the year Bob McDonnell was elected governor, while easily

winning a majority in Fairfax. (Gilmore won in 1997.)

Fairfax isn't the lone reason for Virginia's political transformation, but it's the biggest one. Developer John T. (Til) Hazel, who built a sizable chunk of Fairfax, echoes Gilmore. "The



Tim Kaine, left, and Terry McAuliffe

impact of Fairfax County and Northern Virginia on the state cannot be overestimated," he told me.

Despite the Democratic tide, Republicans aren't forlorn, not yet anyway. They control both houses of the General Assembly, the House overwhelmingly, the Senate narrowly. And of Virginia's eleven U.S. House members, seven are Republicans.

William Howell, retiring this year after 15 years as House speaker, insists Republicans still have an important advantage, "good-quality candidates of good character." To win, they must be conservative, but not too conservative.

If they meet the Howell standard, a Republican can win statewide.

Since Virginia elects its governors in odd-numbered years, we will find out this fall if Howell is right. The frontrunner for the GOP nomination is Ed Gillespie, the former White House adviser to George W. Bush who came within an eyelash of defeating Democrat Mark Warner in the 2014 U.S. Senate race. Howell says Gillespie is an ideal candidate. Ken Cuccinelli, who lost to Democrat Terry McAuliffe in 2013, wasn't.

As luck would have it for Republicans, McAuliffe cannot run for reelection. Virginia is the only state that bars a governor from serving consecutive terms. If he could run, even many Republicans believe he would win.

McAuliffe, a liberal, and the Democratic candidates for governor are a far cry ideologically from the conservative (and segregationist) Democrats who ruled Virginia for a century before falling out of favor in the 1960s. That's when Republicans emerged.

They peaked in 2001, after a sweep of major offices. The governor, two U.S. senators, six of eleven House members, and majorities in the state House and Senate were all Republicans. So were the lieutenant governor and attorney general.

And that's precisely when the drift to Democrats began. The causes were largely demographic. Virginia's three population centers—Northern Virginia, Richmond, and the Tidewater—surged in population and diversity. The new voters were—and are—disproportionately Democratic.

Fairfax led the way. Its population roughly doubled between Reagan's election in 1980 and Trump's in 2016. Perhaps more important, the ethnic makeup of the electorate changed dramatically.

In 1980, Fairfax was almost 90 percent white, 5.8 percent black, and 3.9 percent Asian. Reagan won with a percentage in the mid-to-high 50s. Last year, whites were 61.4 percent, blacks 9.6 percent, and Asians 19 percent. Hispanics went from 3.3 to 16.4 percent. And as we know, voters of different types vote differently.

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MELINA MARA / WASHINGTON POST / GETTY

Fairfax had been transformed in other ways unkind to Republicans. Once suburban and rural, Fairfax is now more crowded and affluent. It's the second-richest county in America, with an annual median household income over \$110,000. It's reputed to have America's number-one high school, judged academically. (The student body there, since 2009, has been majority Asian.) In short, Fairfax has morphed into an upper-middle-class, liberal, achievement-oriented enclave of professionals, high-tech executives, bright immigrants, and tenured bureaucrats. Groups like that lean liberal.

But did one county change an entire state? Not quite. Fairfax had help. Its neighbor to the west, Loudoun County, ranked first in wealth nationally, went 3-to-2 for Clinton. Inner suburbs Arlington and Alexandria voted better than 4-to-1 for her. Reagan won both in 1980.

College towns flipped too, as the University of Virginia's Larry Sabato points out. Republicans won Albemarle County, home to UVA, until 2004. Trump was crushed there. Harrisonburg, where James Madison University has its campus, is similar. The shift to Democrats "has transformed Harrisonburg," Sabato says.

Democrats recognized the new possibilities during George W. Bush's presidency. John Kerry's campaign in 2004 thought about a big push in Virginia, then backed off. Four years later, Obama went full speed ahead. There were doubters up until the day he won Fairfax and the state.

Until Tim Kaine ran for governor in 2005, Democrats worried about losing the conservative rural vote. Kaine "ran solely as a candidate of urban and suburban Virginia," says Sabato. He won. He won again in the 2012 U.S. Senate race and was picked to be Clinton's running mate last year.

Democrats no longer fret over losing conservative voters. Their candidates for governor, former congressman Tom Perriello and lieutenant governor Ralph Northam, have moved sharply to the left. Too far to the left, Howell says. Northam, in a stolen

moment, admitted to having voted twice for George W. Bush.

As for Fairfax, Republicans believe they need a minimum of 40 percent there to win a presidential race in Virginia. Mitt Romney got 39 percent in 2012. Trump fell to a new low for Republicans: 28.6 percent.

This was not a surprise to Trump

strategists. They got mixed results when they tested the appeal of Trump's message around Virginia. It didn't work in Northern Virginia, Fairfax especially. They quickly figured out why. "His entire message of 'drain the swamp' was an attack on their livelihood," a Trump operative says. And that was it for Trump in Virginia. ♦

Core Dogma

On abortion, Democrats allow no wavering.

BY JOSEPH BOTTUM

Abortion is back: back in the news, back in the American political scene, back in the fights that rage through a party as it tries to understand itself. Last time we saw this, it was during Donald Trump's campaign for the Republican nomination, when three months in a row—February, March, and April of 2016—he fumbled questions about abortion. He recovered in May, releasing a list of potential Supreme Court nominees that satisfied the pro-life portion of the Republican base.

Trump was right to sense that he needed to secure his position on abortion, even during an election in which abortion mattered less than in any election of the past 40 years. In the midst of all the anger of the populist voters, the fury at what they called the "Republican establishment," one thing that would have derailed Trump's campaign was a consensus that he was not pro-life. And after winning the presidency, he has more or less kept his promises, nominating Supreme Court justice Neil Gorsuch in January and signing a bill in April to allow states to defund Planned

Parenthood. Still, just as abortion was not at the center of his campaign, so abortion has not been at the center of his politics since his election.

For that, you have to go to the Democrats, who are in the midst of an intra-party festival of self-immolation over the question of abortion. On one side stand the old establishment figures, who are willing to tolerate a little heterodoxy, if it increases the chances of a Democrat winning. On the other side stand the purists, who

will not allow even a small deviation from the hard lines of their faith.

The flashpoint was an election for mayor of Omaha—perhaps a sign, in itself, of how far down the demand for orthodoxy has reached. Early in April, Nebraska Democratic party chair Jane Kleeb brought in Minnesota congressman Keith Ellison (deputy chair of the Democratic National Committee) and Sen. Bernie Sanders to rally support for a man named Heath Mello, the Democratic candidate for mayor in the May 9 election.

All well and good, yes? A unity tour of the party's national figures, calling for support of a local politician. But then, on April 19, the *Wall Street Journal* noted that Mello is a practicing Catholic who has made small noises



The party line

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about maybe being pro-life. He even cosponsored a bill in the Nebraska legislature that required abortionists to offer to show their patients an ultrasound of their unborn children. (Both the *Journal* and the *Washington Post* exaggerated this into a requirement that an ultrasound actually be performed.) Within days, the influential website *Daily Kos* and nearly every other leftist organization had withdrawn their endorsements of Mello. When Democratic national chairman Tom Perez tried to defend the Nebraskan, NARAL denounced the party's efforts to support a local candidate as an attempt to shame women.

So much for a "unity tour." Nancy Pelosi tried to smooth things over on the Sunday talk shows, but by then, the rift was clear. In the name of establishing an inviolable tenet of the faith, the hard left will actively campaign *against* a Democrat who is not both a practicing and a confessional supporter of abortion.

All political parties are *intersectional*, in a certain sense of that buzzword beloved by academic supporters of leftist politics these days. Ronald Reagan's big-tent Republicanism in the 1980s, for example, required a good dose of intersectionality. The antagonisms of current Republican politics—populists, paleocons, establishmentarians, and never-Trumpers all glaring at one another—may seem intense, as indeed they are. But we shouldn't forget the strength of the disagreements among all those that Ronald Reagan gathered under his banner.

What's fascinating about the Democrats, in their current round of agitation about abortion, is the way they have brushed aside their claims of intersectional unity. Originally coined by Kimberlé Crenshaw in 1989, *intersectionality* came to mean that disagreements on the left could be set aside, bracketed, as long as each leftist constituency understood that it was oppressed by the historical victors of Western civilization. Muslims and feminists ought to be enemies, but they can ignore their enmity if they join in the effort to overturn the structures of oppression.

If Reagan had a fault, it was that

his big-tent Republicanism was more a practice than a theory. The problem with modern leftist intersectionality is the converse: It's more a theory than a practice. And the theory has broken down over a mayoral election in Omaha, Nebraska. The claims of abortion are paramount. There can be no deviation, for the Democrats' most

fervent activists. And they are willing to stage an inquisition of one of their own, allowing a Republican to be elected—if the alternative is that a heretic rises within the party.

A smaller but purer congregation is what they demand. And abortion has become the first article in the new confession of faith. ♦

Modern Medicis

The arts have plenty of patrons without Washington. BY ANDREW CLINE

To start off the new year, I bought my family three museum memberships. My kids take music lessons, we attend plays and concerts, and our trips to the big city almost always include a historical, cultural, or artistic experience. We are above-average consumers of "the arts." If Congress eliminates all federal arts funding, as President Trump's budget proposes, I would be . . . perfectly fine with it.

Many in the "arts community" reacted to the news of Trump's proposed elimination of National Endowment for the Arts funding the way *New York Times* columnist Nicholas Kristof reacted to Trump's budget in general. "Reading through the Trump budget, I feel as the Romans must have felt in 456 A.D. as the barbarians conquered and ushered in the dark ages," he tweeted. The very thought that NEA funding would disappear has caused a great wailing, gnashing of teeth, and rending of community theater wardrobe garments.

Some perspective is in order. As art gushes into the mainstream of American culture with unprecedented force, leaving no tributary of society unfilled by various expressions of imagination and whimsy, we are being asked to believe that defunding a single federal agency will cast the culture

into a permanent, primitive darkness.

One could read dozens of commentaries and stories about this supposedly Neanderthal move without running across a single statistic on the proportion of U.S. arts funding shouldered by federal taxpayers. Advocates of federal funding for the arts shy away from that data for good reason. It renders their hysteria absurd.

How the United States Funds the Arts, published by the NEA in 2012, shows that federal arts funding accounts for only 1.2 percent of the money Americans dedicate to nonprofit performing arts groups and museums. Local governments nearly triple that share, accounting for 3.3 percent. All government funding combined comes to only 6.7 percent.

The federal government is not a major player in the creation or support of American art. Corporations, demonized by so many artists, contribute 8.4 percent of the nation's arts funding, about 20 percent more than government's combined share and seven times the federal government's share. Earned income and direct support from individuals, foundations, and businesses accounts for 78.9 percent of U.S. arts funding. Another 14.4 percent comes from interest and endowment income.

So the question—will the arts survive without the NEA?—is easy to answer: yes.

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The NEA's numbers can be easily misunderstood, though. Critically, they include only nonprofit performing arts and museums. In the United States, a supposed wasteland of artistic ignorance enlightened only by the government, the vast majority of art is produced for profit.

The NEA in 2012 conducted a "Survey of Public Participation in the Arts" that illustrated the problem in narrowly defining "the arts" as not-for-profit. It found that only 37 percent of Americans attended a live performing arts event. The figure was ridiculous. The survey's performance categories included only "outdoor performing arts festivals, musical and nonmusical plays; classical music, jazz, or Latin, Spanish, or salsa music; dance of any kind; and opera."

Rock, pop, country, bluegrass, and blues were excluded. The Kennedy Center Honors are an "annual celebration of the arts." By the NEA survey's narrow definition of performing arts, 2012 Kennedy Center honorees Buddy Guy, Robert Plant, Jimmy Page, and Dustin Hoffman could not have been categorized as performing artists.

The NEA's questions were included in the General Social Survey conducted by the University of Chicago. The GSS asked whether people had attended *any* live music, theater, or dance performance. By including popular music rather than officially approved categories of less popular styles, it found that 45.6 percent of Americans had attended a live arts performance. When art exhibits were included, more than half of Americans (53.6 percent) were found to have attended an exhibit or live performance in the previous year.

The survey also asked about people's use of electronic media. It found that "nearly three-quarters of American adults—about 167 million people—used electronic media to view or listen to art, and large proportions of adults used electronic media to create music or visual art."

This technological point is important. The phonograph was invented in 1877 and the Kinetoscope moving picture camera in 1891. Recorded music and moving pictures quickly changed

American life. By 1929, Chicago had enough movie theater seats that half the city's population could see a movie at the same time. By 2015, movie theater attendance was still trending sharply downward but U.S. consumers spent \$18 billion on home entertainment. That's more than twice the \$7 billion spent on concerts in the same year, according to Pollstar.

To believe that the Trump budget, if enacted, would endanger American art, one has to believe two things that are not true: (a) that the federal government is the primary funder of the arts, and (b) that the technologies that democratized art consumption over the last 140 years were never invented. These technologies have allowed Americans to consume art every minute of every day. Because of them, art today is all but inescapable. We carry it in our pockets everywhere we go.

Americans have at their fingertips easy access to the greatest art humanity has ever produced. A construction worker on his lunch break or an inner city teen can pop into any McDonald's, log in to the free WiFi, and access Shakespeare's entire canon or the contents of the Louvre with just a few clicks. Or watch any of thousands of movies and TV shows, or listen to any style of music in existence.

We are creating so much new art, often of very high quality, that it is impossible to keep up with all the output even in a single genre. Consider television. That we are in a "golden age of television" is now a cliché. "The vast wasteland of television has been replaced by an excess of excellence that is fundamentally altering my media diet and threatening to consume my waking life in the process," the late *New York Times* media columnist David Carr wrote three years ago. The same case can be made for movies.

So many great films have been produced since the turn of this century that the BBC noted last year, "we may actually be living in a golden age of cinema," remarking "none of us is as far from a life-enhancing film as we used to be."

Music? We can argue about quality and genres (I'm partial to jazz,

baroque, and punk), but the affluence created by the modern market economy has generated a huge supply of instruments, editing software, and leisure time, and thus a proliferation of musical performers. Spotify, iTunes, Bandcamp.com, NoiseTrade, YouTube, and numerous other platforms have given neighborhood musicians the ability to record original works for mass distribution. The culture is awash in music of every imaginable variety. Whatever your taste, you can find an artist to satisfy it—without the helping hand of Uncle Sam.

Art museums? "The public continues to be highly engaged with their art museums, as evidenced through robust attendance figures and individual contributions of financial support and works of art," the Association of Art Museum Directors' January report, "Art Museums By The Numbers 2016," concludes. According to the report, U.S. art museums get 6 percent of their funding from the federal government. Museum gift shops alone bring in more than that—8 percent.

Measured by both quantity and quality, we may well be in a golden age of American art. Were Congress to eliminate the NEA, American arts would continue to thrive because in the United States culture is not created via dispensations from the state. It is created organically by the people.

As for not-for-profit art, the NEA's own figures show that American individuals, businesses, and foundations are extremely generous and enthusiastic supporters. There is no reason to assume that the private sector would fail to replace the federal government's 1.2 percent share of nonprofit arts funding.

Eliminating the NEA would not decimate American arts. It would not usher in a new dark age. It simply would increase the private sector's share of *nonprofit* arts funding from 93.3 percent to 94.5 percent. Arts supporters should stop wasting their time defending the indefensible diversion of federal taxpayer money to the arts and concentrate their energies on more worthy political battles—or perhaps even on creating art themselves. ♦

The Voice in His Ear

Jared Kushner's access to power

BY MICHAEL WARREN

When Reince Priebus wants to talk with the most powerful aide in the West Wing, he steps out of his corner office, walks down the hall toward the Oval Office, and knocks on the door of Jared Kushner—sometimes twice. Priebus may be the chief of staff, but it's he who waits for Kushner, the 36-year-old senior adviser and son-in-law to President Donald Trump, and not the other way around.

Kushner's been called Trump's "secret weapon," his "secretary of everything," the "super secretary of state," and, during the campaign, the "de facto campaign manager." To *Forbes* writer Steven Bertoni, Kushner was the Trump campaign's "savior." To Trump's chief strategist and alt-right operator Steve Bannon, Kushner is a "globalist" and a "cuck." To Kellyanne Conway, the president's counselor and former campaign manager, Kushner is an essential part of the team. "Without Jared, Donald Trump would not be president," she tells me. "And with Jared, Donald Trump will be a more successful and transformative president."

To elites repelled by the president, Kushner is either a reasonable figure doing his best to moderate Trump's most odious characteristics or a conspirator (who should know better) complicit in the neo-fascist Trumpian project. To certain elements of Trump's base, Kushner is a suspect operator who has installed a gang of like-minded Goldman Sachs Democrats in the administration. And if the swamp isn't drained, it will be their fault.

He may be all or none of those things, but what nobody in the White House or in the president's orbit would deny is that Trump trusts Jared Kushner above all. He is Trump's well-heeled, respectable avatar, the better angel of

the president's nature. As the husband of Trump's daughter Ivanka, Kushner is practically unfireable. But his role isn't a case of reflexive nepotism—from Trump's perspective, Kushner's advice is valuable precisely because he's not going anywhere. Even the most steadfast of aides have their personal biases and agendas, but to Trump, Kushner has just one loyalty: to his father-in-law's and his family's legacy. More cynically, Kushner and his wife have more at stake—professionally, financially, socially, and perhaps even politically—in the success or failure of the Donald Trump administration than just about anyone besides the president himself.

So far, the White House has Kushner's fingerprints all over it. He introduced Trump to Gary Cohn, the COO

of Goldman Sachs, and encouraged the incoming president to tap Cohn as the director of the National Economic Council—which Trump did. He cultivated speechwriter and nationalist ideologue Stephen Miller, working closely with Miller throughout the campaign and now in the White House to find Trump's voice. He elevated veteran White House aide Dina

Powell, a friend of his and Ivanka's, to a high-ranking position on the National Security Council staff.

Perhaps most consequentially, Kushner was instrumental in sidelining the strongest rival to his own influence, the economic nationalist Steve Bannon. Both Bannon and Kushner think of themselves as the true representative of Trump's vision for the country—and of the other as the prime threat to the Trump presidency's chances of success. For Bannon, Kushner and his crowd of Democrats are the sort of cosmopolitan establishmentarians that Trump the populist decried in his winning campaign. Bannon talks about the "deconstruction" of the administrative state, while Kushner's view, according to White House officials, is that his office's goal is to transform government to work more efficiently. Bannon did not respond to multiple interview requests.



Kushner, left, with Trump and Secretary of Homeland Security John Kelly at a meeting on cybersecurity, January 31

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Their disagreements split the two men on everything from health care to foreign policy. There were both open and private clashes between Bannon and Kushner reported in the press anonymously throughout the spring, including the aforementioned name-calling from Bannon, until Trump himself ordered his two top advisers to cut it out. But the president signaled his preference clearly enough when he downplayed the significance of Bannon's role in winning the election to the *New York Post* in April. "I like Steve, but you have to remember he was not involved in my campaign until very late," said Trump. The message? Don't ever take sides with anyone against the family—and that means Jared Kushner.

At first glance, Kushner seems to be everything his father-in-law isn't. He's thin and spindly, but with good posture and practiced poise. His dimpled cheeks and soft facial features give him a boyish look. He looks as if he were born in a blazer, though he prefers narrow tailoring that lends a degree of Manhattan style to his wardrobe. Kushner's voice is quiet and even, sometimes trailing off into a masculine vocal fry. He speaks carefully and deliberately, which makes him come across as thoughtful and engaged.

He's tactful, too, with a rather un-Trumpian sense for putting others around him at ease. In March, a member of the Saudi royal family and his entourage visited the White House, holding a meeting with administration officials in the Roosevelt Room. Several water bottles had been placed on a small table in the corner of the room, out of the way and forgotten. As the Americans and Saudis talked, Kushner silently stood up, walked over to the table, and gave each of the Saudis a bottle of water. According to someone in the room, the Saudis noticed the small gesture as a symbol of respect and hospitality.

Unlike the president, Kushner does not seek to be the center of attention—he's often seen out of focus in photos of Oval Office meetings, hanging back against the wall. Perhaps it's convenient that he seems uncomfortable under the spotlight; between his larger-than-life father-in-law and his glamorous wife, there's not much space left. Unaccustomed to press attention during his career in the family real-estate business, Kushner has granted fewer interviews than most high-level aides in Trump's orbit, both before and after the election. He declined to speak on the record for this article.

But despite those differences, Kushner shares a lot with

Trump. They are both sons of suburban New York real-estate barons—Trump from Queens, Kushner from New Jersey. They both spent most of their adult lives before the 2016 election as casual Democrats with little interest in politics (Kushner is currently not registered with any party). While Trump's public image is that of an agitator, in private he's more inclined to seek reconciliation and agreement, a trait Kushner helps elicit from the president. Rather than getting in fights, Kushner prefers to "make a difference," as one White House official puts it. That's the angel on Trump's shoulder talking.



Kushner and wife Ivanka leave Air Force One at Andrews Air Force Base, March 5.

Jared Corey Kushner was born on January 10, 1981, to wealthy, Jewish parents in wealthy, Jewish Livingston, New Jersey. His father, Charles Kushner, is a real-estate developer, as is Charles's brother Murray. Much like Donald Trump, the Kushner brothers inherited their line of work from their father Joseph, an immigrant to the United States after World War II who began buying apartments in New Jersey in the early 1950s. A Polish Jew, Joseph and his wife Rae were both Holocaust survivors. Jared keeps a black-and-white photograph of his grandparents on his desk, the only decoration in his sparse West Wing office.

Charles did very well expanding the Kushner property business—well enough for Charles to provide his children with an elite education. Jared attended the Frisch School, a yeshiva high school in New Jersey, and then went on to Harvard. According to the *New Yorker*, the young Kushner began buying and selling real estate in the Boston area during his undergraduate years. He graduated in 2003 with a degree in government, even as a future in the family business looked likely. Four years later, he earned law and business degrees at New York University.

But in between, the Kushner family faced a great disruption. Charles was convicted in 2005 on several federal charges, including illegal campaign contributions and tax evasion. He served more than a year in the federal prison system, while Jared took the helm at the company. By the time he became CEO of Kushner Companies in 2008, the younger Kushner had already purchased the *New York Observer* and had begun to make a name for himself in the real-estate world. In 2009, he married Ivanka Trump, who converted to Judaism. Their devout family of five—one girl and two boys—observes the Sabbath and keeps kosher.

Politics for the Kushners was a part of doing business,

not a way of life. Before his conviction, Charles Kushner had been a significant Democratic donor, giving millions of dollars to congressional candidates and campaign committees. He donated several thousand dollars to Hillary Clinton between 2000 and 2003, and in 2002 he gave the Democratic party \$1 million. He also gave to a handful of Republicans, including New York mayor Rudy Giuliani. Jared's political spending mirrored that of his father—almost entirely to Democrats but to Giuliani as well, and in smaller amounts. He even gave money to Hillary Clinton's Senate campaigns, more than a decade before he would help his future father-in-law defeat her in the presidential election.

As late as the 2014 campaign cycle, Jared was writing checks to Democratic candidates Cory Booker and Sean Eldridge, as well as giving \$10,000 each to the state Demo-



Kushner, at lower right, at a forward operating base near Qayyarah West in Iraq, April 4

cratic parties in New Jersey and New York. It's no wonder some in the Trump campaign and administration have their doubts about Kushner's commitment to the Republican party. But Newt Gingrich, the former GOP House speaker and a frequent outside adviser to Trump, tells me Kushner was an integral part of the Trump campaign for his organizational skills, not his politics.

"I worked with Jared through the campaign, and then through the transition," Gingrich says. "And my experience is that he's very focused, he's a very good manager, he is very cautious about tackling projects that he thinks won't work, and that Trump relies on him in large part because he gets things done."

Ken Kurson, the editor of the *Observer*, says his former boss (Kushner stepped down as publisher in December) "gets things done," in part by expecting a lot from his employees. "He's constantly described as soft-spoken, well-liked," Kurson says. "And he is those things. But he's tough as hell, too. And if you've worked for him, as I have, you know that he's a very demanding boss."

Other *Observer* employees are less fond of Kushner. Former editor in chief Elizabeth Spiers has described his

ownership of the paper as driven by indiscriminate cost-cutting and unrealistic expectations. Spiers wrote in a recent op-ed for the *Washington Post* that Kushner was unwilling to "recapitalize" the paper after she claims she had met growth and budget goals. She left the paper in 2012, after a year and a half as its editor.

Kurson, whom Kushner hired a few months later to replace Spiers, dismissed her characterization and said the young businessman thinks big and wants his employees to do the same. "He's one of those guys when you do manage to knock it out of the park, you feel like you've really earned something when you've earned his affirmation," Kurson says.

Kushner took his experience with shaking up organizations to the Trump campaign. Before the election, he advised Trump to replace members of his top-level staff when the campaign hit roadblocks. It was Kushner, says Gingrich, who saw the potential for the campaign to replace a traditional media strategy with one that focused on social media—both in grabbing attention and in raising money—even though he does not use Facebook and is not active on Twitter. Kushner also wrote Trump's first significant speech delivered from prepared remarks via a teleprompter—at the American Israel Public Affairs Committee's annual policy conference in March 2016. Gingrich calls that speech a "turning point" in the campaign for making the Republican candidate look relatively normal.

"I think, first of all, he really strives to understand Trump," Gingrich says. "He thinks his job is to be an implementer of what his father-in-law wants. Second, I think it's fair to say he is very good at the big picture and rigorously avoids getting sucked into minutiae, because he knows he doesn't have the energy to do both."

That's not to say Kushner is, to coin a phrase, low energy. He's typically at the White House for 16 hours a day, with frequent working dinners and late nights. Among Kushner's numerous duties are heading the newly created White House Office of American Innovation, which is charged with recommending to the president new efficiencies in government operations and services. He maintains relationships on behalf of the White House with several cabinet officers, too.

He's also played a key role in shaping Trump's foreign policy, starting during the campaign when he began making connections with figures in other countries to lay the groundwork for a potential presidency. Kushner became an important point of contact for foreign governments during the transition, including China. When Trump, as president-elect, took a phone call in December from the president of Taiwan—suggesting the incoming commander in chief might abandon the longstanding, Beijing-preferred "One

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China” policy—Kushner successfully pushed for Trump to reaffirm the policy in a phone call with Chinese president Xi Jinping. Many in the administration give Kushner credit for orchestrating Xi’s April visit with Trump at Mar-a-Lago.

Kushner has shown interest in other elements of foreign and national security policy. In April, he traveled to Iraq after General Joseph Dunford, the chairman of the Joint Chiefs of Staff, invited him over a working dinner at the White House. Kushner had made an impression on Dunford at an earlier meeting of the National Security Council’s principals committee in the White House Situation Room, when he offered the general his seat at the table. “I’m here to listen,” Kushner told Dunford as he sat back along the wall.

The president’s national security adviser, General H. R. McMaster, has nothing but positive things to say about Kushner. “He challenges conventional wisdoms, and he tends to see opportunities where others only see difficulties,” McMaster tells me.

Kushner has had a more mixed record in directing domestic policy. He was opposed to prioritizing the repeal and replacement of Obamacare—but the president decided to back the American Health Care Act anyway. (Kushner and his family just happened to be on vacation, away from Washington, during the week in March leading up to

the failed first attempt to pass the AHCA in the House.)

And while the socially liberal Kushner had earlier put the brakes on a draft executive order providing for religious exemptions to federal laws and regulations, Trump signed a modified version of the order last week. Notable, however, was that the actual order, unlike the draft, was limited to making it easier for tax-exempt religious organizations to engage in political activity. The expected protections for faith-based objections to Obama-era LGBT anti-discrimination regulations, however, were absent from the order Trump signed.

More consequential than these policy effects, however, is that of Kushner’s general presence in the West Wing. He’s reassuring company for the president, whose lonely job is made all the lonelier without his wife Melania living at the White House. He tempers Trump’s worst impulses and encourages him on his better ones. But it’s a mistake to believe Kushner controls Trump, like a globalist Svengali.

“I think you don’t get Kushner trying to influence Trump, you get Trump directing Kushner,” says Gingrich. “I don’t think anybody drives the Trump system except Trump.” As one senior White House official put it, “Trump is the face of Trumpism.” That’s true. But when Trump turns to the side, more often than not it’s Jared’s face he sees. ♦

Bringing NAFTA Into the 21st Century

THOMAS J. DONOHUE

PRESIDENT AND CEO
U.S. CHAMBER OF COMMERCE

Trade with Canada and Mexico is a significant driver of U.S. economic growth. More than 125,000 small and medium-size businesses export to our two North American neighbors, and they are our largest export markets by far. Most important, trade with Canada and Mexico supports 14 million American jobs. NAFTA is the foundation of this prosperous relationship, and as our nation engages in a debate over its future, we must start by acknowledging the value of the deal to our economic well-being.

President Donald Trump recently said that it would be his “privilege to bring NAFTA up to date through renegotiation.” The business community welcomes the opportunity to modernize the agreement. After all, it was first negotiated 25 years ago—before e-commerce and the digital economy existed. But we believe that

any efforts to modernize NAFTA must be guided by a few key objectives.

The first is to do no harm. We must not disrupt the \$1.3 trillion in annual trade that crosses our borders because of NAFTA. Reverting to the high tariffs and other trade barriers that were in place before the agreement could risk millions of American jobs.

Further, to avoid lost exports and lost jobs, we should amend it, not end it. NAFTA already has an amendment process built in to ensure that it can be modified as needed. We can work within that process while preserving the many parts of the agreement that are working well.

Next, we should keep the agreement bilateral. Transitioning to entirely new bilateral agreements could interrupt commerce. Introducing divergent rules—one set for trade with Canada and another for trade with Mexico—would only raise costs for businesses. That could sap our competitiveness and hobble our industries.

U.S. negotiators must consult

Congress by following the Trade Promotion Authority (TPA) law, which the U.S. Chamber of Commerce helped pass in 2015. TPA already has the buy-in of lawmakers and the business and farming communities. It will also help build support for a modernization agreement in Congress.

Finally, we must move quickly. Uncertainty about the future of trade with Canada and Mexico would suppress economic growth in all three countries. It could also spur a political reaction that would harm our trade ties.

A swift renegotiation following the objectives I’ve mentioned could deliver benefits and limit risks. The Chamber is dedicated to promoting pragmatic and productive negotiations. We will not let up until we achieve an even stronger NAFTA—one that reinforces our crucial trade relationships with Canada and Mexico and reaffirms North American competitiveness in the global economy.



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The Crisis at Berkeley

The rot goes deep

BY STEVEN F. HAYWARD

Berkeley

That liberals run American universities is never going to be a man-bites-dog news headline, but the urgent question ought to be: When are university liberals going to stand up and defend liberalism?

For most of the last few years, it has been possible to regard the antics of the campus left with a mixture of benign neglect and *schadenfreude* at the supine reaction of college administrators, who seem not to have read the

lacked bombs, they resorted to arson and mass vandalism (Columbia, Oregon, UC Santa Barbara, etc.). Until recent weeks, the closest thing we've seen to overt 1960s-style violence is the University of Missouri's assistant professor of communications Melissa Click calling for "some muscle" to rough up a journalist during a campus protest two years ago, a plea whose meager result would have embarrassed a rookie Teamster. And Black Lives Matter, for all of its rage and impulse to disrupt public events and block highways at rush hour, is a far cry from the Black Panthers. This has made all the more disgraceful the capitulations of so many administrators. It's one thing if, like Cornell University's

president James Perkins in 1969, you have a loaded gun pointed at you. But caving to hysterical and whining students?

The campus scene has taken an ominous turn for the worse in recent months, however, with a riot and arson at Berkeley that prevented Milo Yiannopoulos from giving a scheduled speech on February 1, followed by the attack on Charles Murray at Middlebury and near-violent incidents at his appearances at Notre Dame and Indiana University, and culminating in the menacing mob that prevented Heather Mac Donald from speaking in public at Claremont McKenna College. Like Murray at Middlebury, Mac Donald attempted to give her talk by streaming video from an empty hall but

was ultimately cut short when police and campus security weren't confident they could assure her safety. I recently hosted both Mac Donald and Murray at UC Berkeley but did so very quietly at unpublicized, invitation-only events. I brought Murray to my large lecture class with no prior announcement, but it has come to this: Well-known conservatives have to be sneaked on to campus.

Last month matters came to a head with Ann Coulter's proposed appearance here. The Berkeley College Republicans, who are routinely shouted at, spat upon, and mocked at their student group table on Sproul Plaza, invited Coulter to speak on April 27 (she was scheduled to be in California as a part of a larger speaking itinerary). From the first moment, university administrators, ostensibly committed to a policy of equal accommodation for all student groups,



A Berkeley rally against scheduled speaker Milo Yiannopoulos, February 1. After protesters looted shops and broke dozens of windows, the university canceled the speech.

chapter on appeasement in their history books. The obsession with "microaggressions," the insistence on "trigger warnings," and the demand for "safe spaces" amply supplied with plush toys and grief counselors are pathetic compared with the campus left of the 1960s. In those days the campus left meant business—the black activists who occupied the student union building at Cornell had loaded weapons; the bombs were real at the University of Wisconsin and Claremont Men's College. When protesters

Steven F. Hayward, a senior resident scholar at the Institute of Governmental Studies at UC Berkeley, is the author of The Age of Reagan: The Fall of the Old Liberal Order, 1964-1980, from which the account of the Free Speech Movement here is drawn. His latest book is Patriotism Is Not Enough.

signaled to the Berkeley College Republicans that they'd rather the group didn't go forward with Coulter's appearance. Although the initial notice of Coulter's invitation for April 27 was transmitted to the university on March 17, allowing plenty of time to make arrangements, there followed a slow-walk process in which the administration put forward a number of new restrictive policies and conditions, not written down or previously enforced on any other student group. Most noteworthy was the demand that Coulter's appearance be concluded by 3 P.M. because she is a "high profile" speaker—a condition that was not applied to recent evening appearances by former Mexican president Vicente Fox or former Clinton aide Maria Echaveste. Several larger venues on the campus, available on the 27th according to official calendars, were deemed unsuitable for Coulter, and the university finally said Coulter could appear only at an off-campus location. Then, after anti-Coulter flyers began appearing on campus bulletin boards along with threats from the same "antifa" thugs who rioted over Milo Yiannopoulos's proposed appearance on February 1, the university on April 19 unilaterally canceled Coulter's appearance, citing security concerns.

The university quickly backtracked from this decision, probably less out of self-awareness of its cowardice than because of the threat of a lawsuit from the College Republicans charging viewpoint discrimination (which is specifically forbidden in a California statute). They offered to accommodate Coulter the following week or at some date in the fall. Either alternative was tantamount to killing the whole thing. May 1 is "dead week" before final exams, and few students are on campus, aside from which Coulter was already scheduled elsewhere. Coulter initially said she would show up at Berkeley the afternoon of the 27th as planned, perhaps speaking with a bullhorn from the steps of Sproul Hall, as Mario Savio did in 1964. She reversed course after her lecture tour sponsor, the Young America's Foundation, backed out in the face of ballooning security costs and fears of being held responsible for a riot.

Taking no chances amidst a swirl of rumors that Coulter was going to turn up anyway, protesters from the left and right announced their intention to turn up on the 27th to reprise their recent rumble. A pro-Trump rally in a Berkeley park on April 15 had erupted into a violent clash when a masked "antifa" mob turned up, and a sequel seemed likely. A heavy police presence on campus the last week of April prevented protesters from reaching critical mass, and police kept a lid on a protest in the same city park where the April 15 violence occurred. A fragile peace has settled in on the campus ahead of final exams, but no one thinks the university has things in hand. A future Coulter appearance is in limbo.

This is not the first time Berkeley administrators have lost control of the campus. The supposed irony that the home of the legendary 1960s Free Speech Movement has become inhospitable to the speech of anyone who departs from campus orthodoxy has become a commonplace observation in recent weeks. But this perception has the matter backwards. The seeds of today's stifling campus conformism trace back directly to that misunderstood episode. Far from being an example of true campus openness, the Free Speech Movement was a key inflection point on the way to the ruin of our universities. The one common denominator then and now is the ineptitude and pusillanimity of college administrators and the capitulation of faculties to the demands of radicalized students.

If you enter the Berkeley campus from Bancroft Way and traverse the commons in front of Sproul Hall, Berkeley's main administration building, you will run the gantlet of tables that student groups set up every day on a first-come, first-served basis. They run the full spectrum of interests, from fraternities and sororities to song-and-dance troupes to pre-professional societies. There is a high quotient of ethnic and identity-politics groups, but also a large number of Asian Christian fellowships, sliced by denomination (Baptist, Lutheran, Catholic) and nationality (Korean, Japanese, Thai, Chinese, Taiwanese).

These student tables are the most tangible legacy of the original free speech movement, as Berkeley's rigid rules against such activity were the proximate cause that ignited the fuse in the fall of 1964. In that long ago time when faculty and some students actually dressed in jackets and ties for class, the university prohibited most organized political activities (especially fundraising) in its public spaces. But the rule was lightly enforced. Nathan Glazer, then on the faculty here, wrote that "Berkeley was one of the few places in the country where in 1964 . . . one could hear a public debate between the supporters of Khrushchev and Mao on the Sino-Soviet dispute—there were organized student groups behind both positions."

Student activism was picking up in the fall of 1964. Berkeley students had protested at the Republican National Convention that nominated Barry Goldwater in San Francisco, and a number of students had spent the summer in the South working for civil rights organizations. There were Berkeley chapters of the Congress of Racial Equality (CORE) and the Friends of SNCC (the Student Nonviolent Coordinating Committee). Alarmed at the escalation of political activity on campus, the administration announced that it intended to enforce the ban on politically oriented student tables, citing concerns about how the sidewalk tables were "impeding traffic."

Students reacted to the new rules in predictable fashion:

More groups (including the College Republicans and Cal Students for Goldwater) set up sidewalk tables in defiance. At the end of September the dean's office summoned five students identified with some of the political tables to warn they faced suspension. The dean's office underestimated the response. Four hundred students appeared on the afternoon of September 30, declaring that they had been equally responsible for operating sidewalk tables and demanding that they receive the same punishment as the five students originally cited. The administration ignored the assembled students and announced at 11:45 P.M. that the five students, along with three others thought to be organizers of sidewalk tables, were to be placed on "indefinite suspension." There would be no negotiation about the university's rules. "As soon as I heard the news," David Lance Goines, one of the suspended students, wrote, "I realized with a thrill that I was having the best time I'd ever had in my life. I was up to my ears in excitement."

The next day, October 1, defiant students set up more tables outside Sproul Hall. A crowd of 2,000 soon assembled to take part in an impromptu rally. The police decided to arrest Jack Weinberg, an honors graduate in mathematics. The administration apparently singled out Weinberg because, as a nonstudent, he could be charged with trespassing. (Weinberg, the head of the Berkeley chapter of CORE, is sometimes credited with having promulgated the popular slogan "Don't trust anyone over 30." Weinberg is now 77.) The police carried Weinberg to a nearby police car, whereupon the theater began in earnest. Hundreds of students sat down around the car, making it impossible for the police to remove Weinberg from the scene. Soon students began clambering atop the police car to make speeches. It was then that Mario Savio emerged as the iconic and ironic leader of the Free Speech Movement—ironic because he had theretofore been known for his considerable stutter. When Savio was extremely angry, however, his stutter disappeared.

This tableau carried on through the night and into the next day, with a parade of speakers holding forth from the roof of the police car, reciting Thoreau's meditations on civil disobedience as a refrain. The incident was front-page news in California, usually sensationalized with banner headlines such as the *San Francisco Examiner's* "Reds on Campus." As a large contingent of police moved in, and fears of a riot grew, the president of the University of California system, Clark Kerr, made his entrance, opening up negotiations with student leaders to end the situation. A compromise was struck: The university would not press the trespassing charge against Weinberg and would appoint a special committee to work out a new policy on political activity. The students and the police dispersed (the students later took up a collection to pay for damage to the police car), and Weinberg was released after a pro forma booking

at the police station. By the time it was over, Weinberg had sat in the back seat of the police car for 32 hours, with one carefully negotiated trip to the student union building to use the bathroom.

Kerr and the administration thought the commotion was over. During the next six weeks, an uneasy truce prevailed as a special committee of administrators and students deliberated about new rules. The administration agreed to relax rules on political activity on campus subject to one caveat—no advocacy of "illegal" activity. Protesters aligned with the civil rights movement thought this proviso was directed against them, since they often rallied to recruit participants for sit-ins and other acts of civil disobedience. But many student activists were inclined to accept the terms of the compromise. The Free Speech Movement, by now a carefully organized body, called for a new protest sit-in outside Sproul Hall that attracted only about 300 people. The administration this time wisely did nothing, and the sit-in was called off after a few hours of boredom. The Free Speech Movement seemed to be fizzling out. Only a colossal blunder by the administration could revive its fortunes. And blunder is exactly what the administration proceeded to do.

During the negotiations after the police car incident, it was thought that some kind of amnesty would be given to the students involved in that incident, as well as perhaps the lifting of the suspensions of the original eight students disciplined on September 30. But over the Thanksgiving weekend, the administration announced that it was going to revisit disciplinary measures against some of the students initially threatened with suspension, casting doubt on its good faith in the negotiations. The Free Speech Movement exploded back to life. On the following Wednesday a large crowd gathered outside Sproul Hall, where Savio called for a student strike to bring the campus to a "grinding halt." Joan Baez appeared and sang "We Shall Overcome." Then 1,500 students marched into the building, with the American flag at the head of the procession, and proceeded to sit down in the hallways. The sit-in was peaceful; the students took care not to block doorways or otherwise seriously impede the operations of the university. As day gave way to night, no arrests had been made. About half the students had left while the remainder bedded down for the night. "It appeared to me that at last the administration was getting clever," Berkeley's eminent philosopher John Searle wrote. "I thought they would sit there harmlessly while the faculty came up with a solution." Instead the administration made its second blunder of the week.

Publicity over the events at Berkeley was bringing pressure on Governor Pat Brown and the university regents, all of whom pressed Kerr to take a stronger stand. (Among local law enforcement officials who were concerned by

reports, which proved to be erroneous, that students were vandalizing offices in Sproul Hall was Alameda County deputy district attorney Edwin Meese. Two years later Ronald Reagan would relentlessly attack Brown for not having insisted that “those damn kids ought to shut up and go back to class or get tossed out.”) At 3 A.M., 600 police and state highway patrolmen entered Sproul Hall and began making arrests. In good civil rights fashion, the protesting students went limp and had to be carried out one at a time, a process that took over 12 hours. More than 800 students had been arrested by the time the building was finally cleared.

By now the situation was spinning out of control. The student strike took hold as graduate teaching assistants and a large number of faculty canceled classes. Rumors of a National Guard occupation, mass expulsions of students, and, most improbable of all, mass firings of faculty swept the campus. The faculty, hitherto annoyed by the student protest, was beginning to swing over to the students’ side. In the meantime Kerr was working behind the scenes with senior faculty members on a new settlement. The compromise would include a promise to desist from disciplinary proceedings against students involved in protests prior to December 3 (the students who had just been arrested in Sproul Hall would still have to face the music), but did not resolve the issue of what restrictions the university would enforce on campus advocacy. “Any attempt to solve the crisis without meeting those issues was bound to fail,” Prof. Searle wrote. “Having ignited the fuel, one can’t stop the fire by blowing out the match.”

Kerr attempted to present the compromise as a *fait accompli* at an extraordinary campus meeting in the outdoor Greek theater on Monday, December 7—Pearl Harbor Day. Fifteen thousand students and faculty showed up. The meeting was a fiasco, culminating in yet another administration blunder. As the meeting adjourned, Mario Savio approached the microphone hoping to make brief comments. Police intercepted him and carried him off the stage, one officer pulling him by his necktie. Faculty members were appalled. The students in the audience began to chant, “We want Mario! We want Mario!” Indignant faculty members besieged Kerr, and amidst the confusion Savio was released and allowed to give brief remarks. He announced simply that there would be a noon rally at Sproul Hall.

Over 10,000 students showed up for the Sproul Hall rally, where the crowd roared their disapproval of the new compromise. A telegram from Bertrand Russell arrived: “You have my full and earnest support. Warm greetings.” (Russell had also wired Gov. Brown demanding that he stop the “oppression” of Berkeley students.) The leaders of

the Free Speech Movement, sensing events were moving in their favor, called off the strike. The next day the faculty senate delivered the coup de grace to the administration, voting by a lopsided 824-115 in favor of two resolutions that effectively called for the administration to capitulate to the students. This bold stroke made clear that the inmates were in charge of the asylum. The Free Speech Movement had won.

Exactly what this victory entailed was not immediately clear. Even critics of the Free Speech Movement admitted that many of the original grievances against arbitrary university restrictions of political activism were just, and faulted the administration for their ineptitude. Three



Mario Savio speaks to assembled Berkeley students, December 7, 1964.

months after the climax at Sproul Hall, Nathan Glazer, who had attempted to mediate between the students and the administration at various times during the crisis, wrote in *Commentary* that “one fears that the future of American higher education may be foreshadowed here. . . . A great wave of energy has been released.”

Indeed, it didn’t take long for the willfulness and dogmatism of the student left to take a harder shape in the form of the New Left, a “movement” whose opposition to the Vietnam war was generalized into a radical critique of “the System.” Whereas the free speech protesters at Berkeley in 1964 often marched with the American flag, before long the flag was brought forth only for burning. The New Left soon repudiated the idea of free speech itself, embracing with enthusiasm Herbert Marcuse’s theories of “repressive tolerance.” Marcuse argued that “the restoration of freedom of thought may necessitate new and rigid restrictions on teachings and practices in the educational institutions.” That “great wave of energy” released by the Free Speech Movement shortly led to a diminution of speech and diversity of thought in universities, and to a conformity vastly more stifling than anything clueless administrators of the 1960s could have imposed.

Today a plurality of students thinks freedom of speech is no longer a paramount principle. NYU's vice provost Ulrich Baer went full postmodernist (he approvingly cited the subjectivist supremo Jean-François Lyotard) in the *New York Times* on April 24, arguing that it is perfectly appropriate to censor the expression of any ideas that offend any self-aggrieved or previously marginalized group. He is not an outlier. The reflexive appeasement of radicalized students is the heart of the problem, and it is sadly entrenched at most American universities.

The campus double standard about whose ideology and speech is favored is readily apparent in the treatment accorded to the Berkeley College Republicans. In early March a passerby grabbed one of the BCR's wooden signs from in front of its table on Sproul Plaza and smashed it into several pieces. Although this act was caught on video and the offender has been identified (he is a student at a nearby art school and not a Berkeley student), no action has been taken. Graffiti reading "Behead the BCR," and printed flyers with names and photos of individual BCR members calling them "baby fascists" or calling for their lynching, have appeared on campus bulletin boards.

When the BCRs set up their table on Sproul Plaza, a group of lefty hecklers will frequently set up right across from them as the "Berkeley College Republicans" and mock the CRs in ways that would delight a second-rate Dadaist. But the incoherence of this street-theater misses the point. Imagine what would happen if a group of students set up a table for "Liquor, Guns, Bacon, and Trump" across from one of the regular LGBT tables in Sproul Plaza. The campus would probably shut for a week for sensitivity rallies and investigations into "hate crimes." But if it's only the College Republicans, then, well, no harm, no foul.

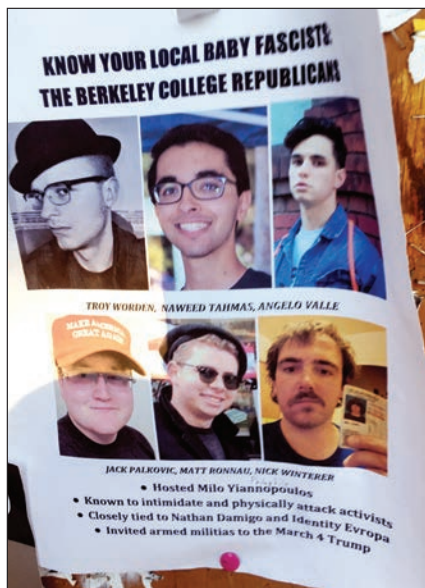
The BCRs, to their great credit, take it all in stride, but they drew the line when the university threw up one disingenuous roadblock after another to the Coulter event and filed their lawsuit. They are being represented by San Francisco attorney Harmeet Dhillon, a fast-rising star in Republican political circles who is rumored to be on the radar screen for a possible Trump administration appointment. The response from Berkeley's general counsel Christopher Patti to her first letter teed up a delicious rejoinder from Dhillon: "First, I want to express how disappointed I am that counsel for UC Berkeley, of all institutions, would misgender me by addressing your letter to 'Mr.' Dhillon, an

error repeated by your colleague who sent me a similarly addressed email. Please be more sensitive (or at least accurate) in the future."

This probably won't be the last "hoist by their own petard" moment for Berkeley's administration. While the university has been operating for the last several years with a \$150 million deficit, requiring large tuition increases, the UC system last week was revealed in a state audit of the president's office to have had \$175 million in undisclosed reserve funds all along. The state legislature is furious, and some prospective Democratic candidates for governor next year such as Gavin Newsom are calling the situation "outrageous." UC president Janet Napolitano, a former Democratic governor of Arizona and Obama cabinet member, is under fire.

There are now almost as many administrators at Berkeley as faculty (the ratio was more than two-to-one faculty-to-administrators as recently as 2000), and the state auditor reports that many of the university's administrators enjoy salary and benefits well above those of administrators at any other public university in the state. Among the costly nonacademic programs that Napolitano has started are counseling services for "undocumented" students (\$21.6 million), a "carbon neutrality" initiative (\$2.5 million), a wetlands project (\$4.6 million), and a "Global Food Initiative" (\$5.2 million). There was no word in the audit about whether the hidden reserve funds were tapped to build outgoing chancellor Nicholas Dirks's escape door from his California Hall office. After Dirks's office was briefly occupied by students a couple years ago, he did his best imitation of Monty Python's Brave Sir Robin and spent \$9,000 to build an emergency exit so he could flee the next time students swarmed his suite. A real profile in courage.

In other words, the crisis at Berkeley is not limited to its ideological conformity—administrative bloat and intellectual rot are surely connected at some level. Napolitano will probably survive chiefly because the California Board of Regents, all political appointees of recent governors, is as weak-minded as Berkeley's administration. Berkeley is of course just a microcosm of an American higher education archipelago of ideological intolerance and detachment from reality. Higher education can't control its spending and won't control its kooks. It is very hard not to sit back and cheer.



A Berkeley flyer targeting Republican students

The Cassandra of Vanderbilt

Carol Swain's long, strange academic trip

BY ALICE B. LLOYD

Political scientist and law professor Carol Swain retired from academia just when some of her research had become remarkably relevant. She doesn't see it quite that way, though. Swain prophesied the rise of the alt-right 15 years ago, but she won't call Donald Trump's election victory a vindication of her prediction that a new white nationalism would infiltrate mainstream politics. It might be because the 63-year-old Southern black woman and distinguished, though increasingly controversial, scholar supports the populist president's most contentious policies.

Days after the election, Vanderbilt University publicized Swain's prescience, pointing to her 2002 book *The New White Nationalism in America: A Challenge to Integration*. "The alt-right is not a new development. It is an effort to rebrand the white nationalism I described in 2002, as a more intellectual movement that uses social science data, rhetoric and civil rights laws to advance its agenda," Swain stated in Vanderbilt's press release, which also advertised her press availability via the Nashville, Tennessee, school's "24/7 TV and radio studio."

"I could have revived my career just by saying, 'Oh, this was it. This is the white nationalism I was talking about.' It's not that simple," Swain told me in a recent phone interview. "I don't think Mr. Trump is a white nationalist. But I do think there's an increasing white consciousness and awareness. And I think the political left helped create it."

The university's PR office left off that last bit—along with the fact that Swain had chosen months before to take early retirement, a parting of ways not made public until January. Cross-references to previous press releases all but denouncing Swain for thoughtcrimes didn't make the cut either.

Swain doesn't deny that the Trumpian trolletariat of the alt-right poses the same danger to racial integration that she identified in the late nineties' breed of articulate

white nationalist. And she agrees with the most enlightened progressives that there's nothing new in a repackaged nativism. But rather than call it a systemic white supremacy set free by Trump's ascent—Hillary Clinton's definition of the alt-right—Swain blames an isolating worldview, endemic to elite college campuses like Vanderbilt's, that promotes racially determined interests at the expense of a common cause.

Hers is a complicated cosmology, not exactly suited to the press release genre—nor to the modern university campus. In the late nineties, she left a tenured faculty seat at Princeton to complete a master's in law at Yale before taking joint appointments in law and political science at Vanderbilt. In the meantime, she also quit the Democratic party and became reborn in Christ. "I jokingly say they hired one person, a very different one showed up," she told me. "I showed up a born-again Christian, and I would say my Christian conversion was very dramatic. It has shaped everything I've done since then, and it affects how I see the world."

An uptick in racial violence at the turn of the millennium compounded with what she describes as a religious calling to warn the world inspired her refocused research. There was a misunderstood but dangerously persuasive white nationalism on the rise: "Energetic, articulate, and skilled in the use of the Internet, the carriers of this new voice now pose the most serious ideological challenge to the ideal of an integrated and racially pluralist America since the passing of the Jim Crow order in response to the great civil rights revolution of the 1950s and 1960s," she would write. "In the decades ahead its influence will expand well beyond its current scope."

Civil rights policies that seemed to stack the deck too much in favor of minorities stoked white resentment, while the code of political correctness barred white students from complaining of unfairness lest they be labeled racist. "I had seen the convergence of issues that were creating and were going to create a devil's brew for racial unrest—unless we moved away from identity politics and multiculturalism," Swain told me. Instead, America

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recommitted to identity politics with a vengeance during the Obama years. That “devil’s brew” finally coalesced: “The missing ingredient was Obama.”

Until 2008, she stayed out of the partisan fray, watching Barack Obama’s ascent with scholarly interest. In her first book, 1993’s *Black Faces, Black Interests*, she argued that linking race and representation would only undermine political gains. Party affiliation matters more than race in representing voters’ interests. Or, in poli sci lingo, substantive representation outweighs descriptive representation; she showed that voters don’t need their elected officials to look like them.

White voters would gladly support a black candidate if he were a convincing enough moderate to promise racial healing across party lines, she predicted. Our first black president, Swain wrote in December 2006 for *Ebony*, would be someone like freshman senator from Illinois Barack Obama or former national security adviser Colin Powell, men whose immigrant backgrounds relieve them and their voters of the “baggage” of the civil rights era. (Obama declared his candidacy in early February following a family vacation, a typical time to catch up on magazine reading, Swain slyly noted in our first call.)

She lost hope, however, when the influence of Obama’s spiritual mentor, black liberation preacher Jeremiah Wright, came to light: “I know that if you really are interested in bringing together people of different races, you don’t belong to a black nationalist church.” President Obama “did everything to start a race war,” she continued, arguing that he and Democrats during his two terms in office “racialized every issue” while declining to condemn racially or religiously motivated violence by name. “You can’t stir it, bring up all this stuff,” she said, “and then put it back in this box to pull it out during election time.” She finds common ground with those who criticize Obama’s racial legacy from the left: He took political advantage of racial anxiety but did not deign to address it. The agreement stops there, though. Swain voted for Mike Huckabee in the 2008 primary, according to one former student. Last year, she held out for Ted Cruz as long as he held on.

She’s taken to Facebook, YouTube, newspaper columns—and even shelled out for a paid-programming talk show—to carry forth her truth unto a more willing audience than academia offers. Appearing on Fox News with increasing frequency in the last decade signaled to colleagues and friends, those who first knew Carol Swain as a

promising young political scientist in the 1990s, that she’s not as interested as she used to be in being a serious scholar, I’m told. Her latest books, *Be the People: A Call to Reclaim America’s Faith and Promise* (2011) and *Abduction: How Liberalism Steals Our Children’s Hearts and Minds* (2016), aren’t exactly pitched to her peers in the professoriate either.

She’s a thorny nationalist on the matter of mass immigration, illegal and otherwise, but welcomes debate while making her position unequivocally clear: “I cannot condone illegal immigration, nor can I close my eyes to the negative impact of mass immigration on the quality of life and opportunities of native-born American citizens who so desperately want their own taste of the American dream,” she wrote in *Be the People*, after noting that immigrants she’s known have “blessed my life enormously.” (She’s curating a second volume of scholarly essays on immigration.) She called for heightened monitoring of Muslims—

in a fatefully controversial 2015 op-ed, for one—before it seemed a political possibility.

The newly minted retiree is also working on a memoir, a project several of her friends said they’ve often suggested. Before she became an “accidental professor” and television pundit on a mission, Swain grew up in “an abusive and impoverished farm household of 12 children” in rural Bedford, Virginia. As a child she would escape into vivid daydreams. “While it may not be

politically correct to share this aspect of my life, my fantasy family was white. I cast myself into the role of a rich white male named David, who was able to do what he wanted. Race was not an issue, because it never came up in my fantasy world. David was too busy traveling the world and dealing with his servants, who for some strange reason were not black.” (She described recounting this fantasy to former Princeton colleague Toni Morrison, the revered novelist: “Without the slightest tinge of judgment in her voice, Toni said, ‘That’s so amazing. Even as a child you knew enough to want to be the best thing that one can be in America [a white male].’”)

The brood moved in the late 1960s to Roanoke and into an integrated school district. Swain dropped out of eighth grade but earned a GED. She married in her teens and wound up a “divorced welfare mother of two sons.” It was a fellow shift worker at the Liberty House Nursing Home, an African immigrant named Abou, who persuaded to try her hand at higher education. Against these steep odds, she climbed the academic ladder all



Swain testifies before Congress on immigration, September 24, 2010.

the way from Virginia Western Community College to a law degree at Yale and professorships at Princeton and Vanderbilt. Prominent mentors along the way—at Roanoke College, where she completed her bachelor's; Virginia Tech, her first master's degree; and University of North Carolina at Chapel Hill, her doctorate in political science—helped make it possible. But these days, she reflects, “In some ways, I feel like I didn’t always turn out the way people had hoped I would turn out.”

Her undergraduate mentor is still proud. Roanoke College professor William Hill headed the history department and oversaw her chosen major, criminal justice. He might have planted the conservative seed in Swain, she said: “I don’t know if he was a factor in my becoming a conservative, but he exposed me to Thomas Sowell, Glenn Loury, Milton Friedman—and I think it could only have broadened my mind.” Professor Hill recalled having told her, “You’re a conservative Republican, and you just don’t know that yet.” But that wouldn’t have been until she was a graduate student, he clarified—by which time they were colleagues and friends, not just student and teacher. Hill does not believe professions of political bias belong in the classroom. “I have too many colleagues who are evangelistic liberals for me to follow what they do,” he told me. His former student, on the other hand, “She doesn’t follow the same rule I do,” he laughed. “You ask Carol what she thinks, she’ll tell you and she’ll tell you why you ought to think the same thing.”

“I agree with most of what she says, I just wouldn’t say it the way she says it,” Hill added. “With all said and done, Carol probably will have done more good for the world than I will have,” daring as she does to stake public positions that are “hugely unpopular in a college community.” But, he pointed out, “where Carol is today is not where she was five years ago or five years before,” and five years from now, she may well have moved on yet again.

When Carol Swain first showed up in Professor Hill’s class, after transferring from community college—a non-traditional full-time student who, he would later learn, was also working full time and raising children on her own—she sat in the back and kept quiet. He didn’t notice her especially until it came time to grade her first essay test. “Hers was the best of them by far.” Ten years after her Roanoke graduation, she published her first book to wide acclaim; *Black Faces, Black Interests* became required reading for some of Hill’s classes.

When she wrote it, she was still a committed liberal, she pointed out. The book was a warning to her then-party: “I took a position against the creation of majority black districts because I knew it would help elect Republicans.” Creating districts that were more than 65 percent African-American, a widely promoted practice,

undermined Democrats’ influence such that in 1992 there were more black people in office but fewer Democrats. Because, Swain observed, the neighboring districts these black constituencies were being carved out of would tend to skew Republican without them. White representatives served their black constituents’ interests just as capably as black representatives could, she found through her research and the many candid interviews she conducted with lawmakers and often racially diverse staff.

As long as racial demography decided districting, Democratic—and African-American—gains in Congress would be vulnerable. “I actually had a chapter that talked about what would happen if the Republicans took over Congress,” she recalled, one the ’94 midterms would validate. “Black influence would change, and they would lose committee chairmanships,” she predicted. “And that happened the next year, after the book was published. A lot of people wondered, ‘How did you see that coming?’” In 1995, the Supreme Court struck down racial gerrymandering. While prevailing wisdom held that black representatives wouldn’t win reelection without it—because white voters wouldn’t support them—Swain disagreed in a *Congressional Quarterly* column. “Again, people said, ‘How did you see that coming?’ And I said, ‘Well, it was just the political times.’”

The times were on her side then. Another longtime friend, political scientist and Dartmouth professor Linda Fowler, noted the relatively tepid reviews and responses *The New White Nationalism* received—disappointing compared with *Black Faces, Black Interests*, which had swept that year’s political science book awards circuit and was cited in two Supreme Court cases. “Of course if we’d had the 2016 election in 2004, it would have gotten a very different reception, but we didn’t,” Fowler told me.

It can’t have helped that in *The New White Nationalism*, Swain explained the dangers of an oppressive multiculturalism that none dared defy. She delineated the perceived double standard: “Every group has a right to celebrate their unique heritage and who they are and where they’re from, every group—except white people.” Identity politics’ exclusion of a “white interest” would turn more young white people toward the new white nationalism, threatening racial integration, a tenuous and hard-won harmony the book’s introduction called “the fragile racial situation in America and elsewhere.”

Ten white nationalist leaders, interviewed over the phone, generally cited the same social conditions singled out today as fuel for growing “white consciousness”—the grievances that inflamed the Trump coalition. These nine men and one woman railed against unaccountable immigration from the Third World, complained of civil rights policies that indoctrinate a racial double standard,

scratched at a flawed but infallible political correctness that cements the double standard, and mourned with varying degrees of fighting spirit whatever else might have washed away the White Man's former greatness.

The Internet was already an essential tool for white nationalists' organization and dissemination in the late nineties and early aughts, Swain found. White students disturbed by perceived racial double standards had "few legitimate mainstream arenas in which to discuss some of their deepest anxieties and concerns" she observed. "When the boundaries of acceptable discourse are set so narrowly in our national conversation about race, it is easy to understand why some aggrieved European Americans turn to white nationalist websites for comfort and direction."

While pan-European identitarian-populism feeds in part on familiar nationalistic reflexes, the alt-right, a mostly millennial, white, male group of radicals, has developed a new, Internet-native language. The new white nationalist—whether he's violent in thought, deed, or both—thrives and multiplies in a digital underworld. As long as the policies and cultural frameworks that diminish him persist, he will grow in number and influence, Swain predicted. And indeed he has. But critics said that in her warning, Swain was giving a platform to people who didn't deserve one. (Even her publisher had misgivings about printing the interview transcripts.) Swain defended the interviews—and the publication of their full transcripts in a companion volume, *Contemporary Voices of White Nationalism in America*—saying that when it comes to white nationalist ideology, "What you don't know can hurt you."

The first group of new white nationalists—the relative moderates Jared Taylor, Michael Levin, and Reno Wolfe claim to be "white advocates" rather than separatists or supremacists, per se—loathe affirmative action policies and complain of underreported black-on-white crime. On these counts, Swain warned, their case would be dangerously persuasive to college-educated, middle-class whites the Ku Klux Klan and skinheads couldn't reach: "The arguments that were being made about a double standard and inconsistencies were logical enough that they would resonate with young people." Young people who, crucially, have lived entirely in the post-civil-rights era.

Critics have charged that Swain was too taken by her subjects, as though she'd followed interviewees too far in their racist reasoning and been swayed by it herself. To Mark Potok of the Southern Poverty Law Center, for

instance, she is "an apologist for white supremacists." She once received a fact-checking call from SPLC's Intelligence Project director Heidi Beirich, following up on false reports that Swain would be the first African-American speaker at the white nationalist conference led by Jared Taylor, one of her interviewees, a self-styled "racial realist" and today an elder statesman of the alt-right. On the call, Beirich referred to him as "your friend Jared Taylor," Swain laughingly recounted to me.

Taylor in fact has said he did not think black people were capable of civil acquaintance with white people until he met the professor. Swain and Taylor, whom she called the most frightening of the new white nationalists, both believe legitimate, overlooked concerns have given rise to a growing "white consciousness." Both supported President

Trump's immigration proposals, and they broadly agree on Islam's cultural incompatibility with mainstream American life. In all else, however, their thinking crucially diverges: Taylor celebrates precisely what Swain's work presciently forewarned. Race-specific advocacy—the flawed, multiculturalist logic of identity politics—undermines our universal humanity.

New data, from Princeton scholars Anne Case and Angus Deaton, showing mounting rates of "deaths of despair" among working-class whites prove her point, Swain believes: "Back when I was in school we talked about black

consciousness—the idea that people realize they have a linked fate. I think that what we are witnessing is rising white consciousness, self-awareness of white people, feeling that they're falling behind." Then she went one tick further on the empathy scale. "If I were poor, white, and I were hearing some of those arguments, I don't know what side I would be on."

Swain invited Jared Taylor to debate anti-racist author and activist Tim Wise at Vanderbilt in 2002, so that students might understand the dangers of an intellectualized racism. She first told me William Pierce was the most frightening of her interviewees. Pierce meant to inspire a race war with his novel *The Turner Diaries*—and apparently did inspire Oklahoma City bomber Timothy McVeigh. Her white male colleague had to conduct the interview with Pierce, who refused to meet with black or Jewish people. But later on, she declared it was Taylor who scared her the most: He might have been any one of her students' white male professors. Her students told her after the debate

'Back when I was in school we talked about black consciousness—the idea that people realize they have a linked fate,' Swain says. 'I think that what we are witnessing is rising white consciousness, self-awareness of white people, feeling that they're falling behind.'

that if they hadn't read Taylor's more extreme treatises in advance of the event, he could have persuaded them. What you don't know, as she would say, can hurt you.

Swain was on sabbatical two and a half years ago when students, faculty, and a broader public raged against an opinion column she wrote for Nashville's daily newspaper, the *Tennessean*. When Saïd and Chérif Kouachi, jihadist brothers born and bred in the 10th arrondissement, charged the Paris offices of the satirical paper *Charlie Hebdo*, guns blazing, and mowed down cartoonists, editors, journalists, police officers, and a janitor to avenge the prophet against parody, Swain had seen enough. Her op-ed condemned Islam's innate militancy: "What would it take to make us admit we were wrong about Islam? What horrendous attack would finally convince us that Islam is not like other religions in the United States, that it poses an absolute danger to us and our children unless it is monitored better than it has been under the Obama administration?" Islam, she wrote, is not like other Abrahamic religions, as she once believed, because those Muslims "that are religiously devout—if they actually follow what their religion teaches, they are going to be more extreme." If only American public schools still taught Western Civ, we could hold out hope for cultural assimilation, she wrote. In its absence, rigorous monitoring of Muslim organizations and individuals would have to suffice. Students, predictably, seethed.

"This protest is not about Carol Swain," organizer Farishtay Yamin declared: "This protest is about the fact that a member of Vanderbilt's faculty attacked her own students, that a member of the faculty published hate speech against the very young adults that she seeks to inspire." The Muslim student group forgave Swain in an open letter. And the provost penned a statement to condemn the column—"deeply offensive to many members of our community"—while reaffirming "our support of free speech, which is put to the test when polarizing speech such as this is shared."

The next fall, anti-Swain momentum still simmered. When a student protester threatened to call for her firing if she posted anything offensive to Muslim, LGBT, or other minority groups, Professor Swain stepped up. "Being the personality that I am, as soon as read his post, I searched for an article that would offend as many of those groups as possible and I posted it." The Change.org petition to suspend her—for the offenses of sully Vanderbilt's good name and goading sensitive students on social media—included a link to one of her brasher Facebook posts: "Only an idiot would think a 61-year-old black woman who has spent much of her life in academia would benefit from sensitivity training." It was the petition's proof that she'd "resorted to name-calling."

Swain and her controversial opinions make what cynical network executives call "good television." The image

that probably best encapsulates her take-no-prisoners punditry is a still from a CNN segment last summer discussing the swiftly scuttled Drudge Report banner "Black Lives Kill." (The headline, its critics contended, crudely sensationalized the killing of five police officers amid a Black Lives Matter demonstration in Dallas.) Host Michael Smerconish and civil rights lawyer Areva Martin stare out under furrowed brows, mouths slightly agape, while Swain between them wears a beatific smile. Asked whether the movement had seen its last, she pronounced in her honed drawl: "I hope so. . . . It's been a very destructive force in America." She continued, "It's not really addressing the real problems affecting African Americans and so it's problematic, it's misleading black people."

Swain believes the approaches to public policy and activism that have held back black people have also failed poor white Americans. "The policies and the programs pushed by the Democrats have been counterproductive for minorities," she told me. "The bottom line is Americans of a particular social class are suffering."

No such sentiment—adjacent to Trump's "What do you have to lose?" entreaty to African-American voters—made it into her CNN hit. What instead hardened into the headline "Black Professor Slams Black Lives Matter" would have doubtless haunted Professor Swain on campus come September. Shortly thereafter, she decided to take early retirement. "It was right after that piece on CNN was controversial. I didn't think it was going to be controversial, but I criticized Black Lives Matter."

And students wouldn't let that stand. "The press release just said, 'Carol Swain doesn't represent Vanderbilt University. Vanderbilt stands for diversity, inclusion, and free speech'—something like that, the standard thing that they had been sending out." She guessed they'd sent it out at least three times by then. "This time I realized for the first time that they were right." She no longer fit in at her academic home of almost two decades.

Recent graduates who worked closely with Professor Swain tend to echo her old friend Jane Mansbridge, a Harvard Kennedy School political scientist whose studies of face-to-face democracy and representation differ from the findings of *Black Faces*, *Black Interests*—most evident in the title of a 1999 Mansbridge article, "Should Blacks Represent Blacks and Women Represent Women? A Contingent 'Yes.'"

Lively debate in Professor Swain's classes, former students say, offered valuable practice in the art of disagreeing intelligently and openly. And for Mansbridge, scholarly cross-pollination and a richly productive disagreement was the foundation of their friendship—she'd sought out Swain because she greatly admired her methods, while diverging from her conclusions in certain contexts—and

they've continued learning from each other. "I have great respect for Carol's integrity and her vision, her capacity to see things differently, and her capacity to awaken me to insights and perspectives," Mansbridge said. She told me she continues to quote from *Black Faces, Black Interests* in her work on representation, a topic from which Carol Swain has long since moved on. "I think she got candid, thoughtful responses from the representatives and staff she interviewed for that book in part because of who she is and the authenticity she conveys as she talks with anyone," Mansbridge said.

A relationship like theirs, Swain said, is "what universities are supposed to be about." On this, Mansbridge agrees. "Many people will see something that they think is wrong and stop listening, and then others will protest because they not only see it as wrong but as inappropriate for a college campus. But I would not take that last stance. I think a college campus should be a place where people can say many many things."

One of Swain's Vanderbilt Law School colleagues, university professor James Blumstein, wonders whether Swain overestimates the opportunities she'll find to deliver her singularly unfiltered message beyond the university setting. He also believes she's taking away some opportunities from others: "She underestimates the loss to the community, losing her."

Students have likewise underestimated the advantages of being exposed to Professor Swain's peculiar wisdom, one mentee said. Sylvia Precht-Rodriguez, 23, was a senior when her classmates protested Professor Swain. But for her, Swain's office was safe space where she could voice her dissenting views or just vent her feelings. She described coming to Professor Swain for comfort, overwhelmed and weary under the weight of her coursework. "She told me to breathe, told me it would be all right. That was my first real moment with her." Thereafter, Precht-Rodriguez would assist with projects in the law school, a "tremendous opportunity": A middle-school math teacher in Dallas finishing her second year with Teach for America and planning for a third, she sees law school in her future.

Their relationship fostered "uncomfortable learning," as the sterile yet sentimental vernacular of social-emotional campus discourse would have it. "I grew up in Brooklyn, and I grew up in an extremely liberal situation: My family is liberal, my extended family is liberal. I really had not been exposed to opposing political viewpoints," Precht-Rodriguez told me. "And to this day she's probably the person I became closest with of the Republican party, so definitely I think that my relationship with her taught me a lot." (Most Republicans are fairly boring compared with Professor Swain, I regretfully informed her.)

They also disagree on the role of race in mentorship: Precht-Rodriguez, who identifies as a multiracial woman of color, believes having an African-American woman to turn to for advice made all the difference, while Swain considers the safe space ethos a curse on minority students. The idea that "you're chained unless you have a role model who looks like you," Swain told me, is "destructive for minorities because it discourages them from even trying to be their best selves."

Swain's op-ed about Islam and the ensuing protest



Swain, center, criticizes Black Lives Matter on CNN, July 9, 2016.

didn't color the student's opinion of her beloved mentor, but Precht-Rodriguez didn't go to bat for her either. Among students, there was no such safe space for dissent or discussion. "I think that a lot of the issues that people were disagreeing with were disagreements from afar—with their computers, with their phones, from Twitter—and to my recollection, when I was there, the loudest who disagreed with her didn't take the time to actually sit down and speak with her," Precht-Rodriguez said.

The coalition of concerned students who were protesting then might want to listen now. A course Swain taught on hate groups, for instance, would have drawn a longer than usual wait list had she still been teaching after the election. In recent years, her presence on the elite campus offered a rare, if not unique, chance to engage the ascendant right-wing populism Swain's punditry has increasingly supported. If the students who tried driving her off campus believe they triumphed, they should realize it's a Pyrrhic victory—the learning lost far outweighs whatever was won. Or, to put it another way: What we don't know can hurt us. ♦



Dodger Stadium (2002)

Go West, Young Men

How and why the Dodgers left Brooklyn. BY MARSHALL GOLDBERG

Los Angeles County has 14 area codes. Not zip codes, area codes. (It has 320 zip codes.) Its population is larger than that of 42 states, its area larger than Delaware and Rhode Island combined. It has two mountain ranges, five rivers, two deserts, six major valleys, and a boundary that runs 70 miles along the Pacific Ocean. Its 88 incorporated cities make for a decentralized power structure: No

Marshall Goldberg is the author, most recently, of The New Colossus.

City of Dreams
Dodger Stadium and the Birth of Modern Los Angeles
by Jerald Podair
Princeton, 384 pp., \$32.95

Tammany Hall or James Michael Curley calls the shots or doles out patronage. Only three things are common to all of Los Angeles: choking traffic, cloudless skies, and the Dodgers.

Since the Dodgers moved to Los Angeles from Brooklyn in 1958, and

since Dodger Stadium opened in 1962, roughly 3 million people have attended games every year, perennially the most in the National League and 33 percent above the league average. That means, over the course of a season, a million more people go to Dodger home games than to games in other National League parks, even though Dodger Stadium has remained essentially unchanged for 55 years. For most people in Los Angeles, especially those born after 1958, it is impossible to imagine Los Angeles without the Dodgers.

EPA / NEWSCOM

Like the city fathers stealing water from the Owens Valley in *Chinatown*, the Dodgers' move west has become American lore: Walter O'Malley, the Dodgers' owner, broke the hearts of Brooklyn and brought his team to a minor-league town that opened its coffers and gave away hundreds of acres and millions of dollars in tax breaks in order to become a major city. The new stadium meant destroying a long-established Latino neighborhood in Chavez Ravine, but that was a small price to pay for big-league status. Besides, all was quickly forgotten, as Southern Californians, including Latinos, came to embrace the Dodgers.

As with most based-on-true-events stories coming out of Los Angeles, this one bears little resemblance to historical fact, and Jerald Podair sets the record straight here. Podair is a historian at Lawrence University, uninterested in polemics or dramatics; his eye is on bigger things. With exhaustive documentation he takes us through every step of the Dodgers' move west. Far from abandoning Brooklyn, O'Malley was forced to leave by a combination of baseball economics—the Dodgers played in decrepit Ebbets Field and were falling behind their competitors, especially the Milwaukee Braves, in attendance—and an intractable city planner, Robert Moses, who cared not a whit for baseball, or its place in Brooklyn. For years O'Malley tried to find a way to keep the Dodgers in Brooklyn and declined even to meet with delegations from Los Angeles, until he simply had no choice.

Why, then, was it Walter O'Malley, and not Robert Moses, who has been villainized all these years? Because O'Malley committed the most cardinal of sins: He left New York for Los Angeles.

Nor was everyone in Los Angeles falling all over himself for the Dodgers. Los Angeles was already a major city in 1958, the third-largest in the country, and many Angelenos liked it just the way it was: a collection of neighborhoods with no civic core. To them, the function of government was to provide schools, sewers, and roads; anything else was a waste of taxpayers'

dollars. To be sure, the power centers of Downtown and the Westside went all out to bring the Dodgers to Los Angeles; but opposition to public money for the Dodgers was so widespread that the move came remarkably close to failing.

Just how much public money was O'Malley asking for? It turns out not much at all. O'Malley envisioned a public/private partnership, where he would swap 300 acres of Wrigley Field in South Los Angeles (that housed the Dodgers' minor-league team) for 300



Walter O'Malley (1962)

more valuable acres in Chavez Ravine, less than a mile from downtown Los Angeles. Beyond that, he would build the stadium with his own funds. The risk would be entirely his, and it was considerable, given that no new stadium had been built with private funds since Yankee Stadium in 1923.

The Giants, by contrast, moved to San Francisco around the same time, and their financial arrangement was much more conventional: The city owned the land and built the stadium, and the Giants paid rent and a share of concessions. That meant fewer obstacles along the way—the Giants played in their new ballpark two years earlier than the Dodgers—but San Francisco's Candlestick Park, built for football as well as baseball, was a joke, while Dodger Stadium was a jewel. Los Angeles also received hundreds of millions in property taxes from the Dodgers over the

years, much more than San Francisco received in rent from the Giants.

And yet, though the risk was almost entirely O'Malley's, mistrust for the land swap ran so high that the proposal passed the Los Angeles city council by only one vote. The opponents then petitioned to have a referendum on the new stadium; it was touch-and-go to the end, and the measure finally passed (52-48 percent). Unbowed, the opponents challenged the arrangement in court, and a superior court judge declared it unlawful and halted construction. The California supreme court unanimously reversed that decision; but had it affirmed the decision, or the referendum failed, or one member of the city council voted the other way, there most likely would have been no Los Angeles Dodgers.

What of the Latinos pulled from their homes to make way for major league baseball? In fact, their land had already been condemned for a public housing project in 1951, and the families lived there rent-free and tax-free for eight years. When one family, the Arechigas, was forcibly removed from their home, they set up across the street under a banner, "Where will we sleep tonight?" Sympathy swung strongly against the Dodgers until a reporter discovered that the Arechigas owned 10 other homes in Los Angeles, including four deeded to immediate family members, and therefore had plenty of sleeping options every night.

What often gets lost in the tale of the Dodgers' move to Los Angeles, and Podair makes clear, is that Walter O'Malley was a visionary, and not only with his willingness to relocate. (Before 1958, no major league team was based west of the Central time zone; now there are eight.) Before Dodger Stadium, those attending baseball games were "fans" who paid their money and left unhappy if the home team lost. O'Malley viewed his patrons as customers and made going to games a family experience. Prices were kept low. The radio announcer he brought with him from Brooklyn, Vin Scully, made the game personal to every listener and became the most beloved man in the history of Southern

California. O'Malley hired Jaime Jarín—now entering his 60th year as a broadcaster—to call Dodger games for Spanish-language listeners. O'Malley's model for Dodger Stadium was Disneyland, not Yankee Stadium. As with most visionaries whose ideas become commonplace, we can easily lose sight of his impact; but in his approach to fans, O'Malley was the first.

If one wanted only to learn the real story of the Dodgers' move west, *City of Dreams* would be well worth reading. But the battle over Dodger Stadium also has lessons as a microcosm of American politics. Downtown corporatists, mostly Republican, and Westside liberals, mostly Democrats, both wanted the Dodgers in Los Angeles (albeit for separate reasons), but the Folks—Podair's name, borrowed from the late California historian Kevin Starr, for the middle-class whites who made up most of Los Angeles's sprawling neighborhoods—hated the land swap. Not only did it violate their notion of government's proper role, but they deeply resented the Downtown and Westside establishments. It was a battle for the soul of Los Angeles, and Podair shows how this conflict goes all the way back to Hamilton and Jefferson, and is part of the American DNA.

One might dismiss the Folks as racists, but their resentments went well beyond that. Indeed, the Folks had no problem joining up with Latinos when it suited their purposes.

This book does have its shortcomings. Podair tends to make his points over and over again, like a professor with undergraduates. I also would have liked him to draw a contrast not only with what came before Dodger Stadium (which he does quite well) but with what came after. O'Malley's son, Peter, sold the club to Fox News Corp. in 1998 because he felt family owners could no longer compete. As if to make his point, the Dodgers' new owners immediately traded away a future Hall of Famer in a contract dispute. After a Voldemort-like owner too loathsome to mention here, the Dodgers were sold in 2012 to a hedge fund group for \$2 billion, the highest amount ever paid for a sports franchise.

Dodger Stadium is no longer geared toward families. Parking is \$20. Tickets for field and loge boxes between the bases exceed \$100. Advertising, taboo under O'Malley, covers every inch of the outfield walls, scoreboards, and electronic rims around the stands. Organ music has been replaced by heavy metal as the standard fare. The new owners sold broadcasting rights to Time Warner, who overpaid and could not pass along their folly to satellite providers. As a result, only 30 percent

of the homes in Southern California could hear Vin Scully's final three years broadcasting Dodger games, while the new owners sat by and did nothing. Any of these developments would have been inconceivable under Walter O'Malley.

But these complaints are minor, more than outweighed by the information and insights Podair provides. Baseball is Life. And Los Angeles, and the story of the Dodgers moving there, is America. ♦

B&A

The Morning After

Converting military victories into political success.

BY MACKUBIN THOMAS OWENS

The United States has been at war for nearly a decade and a half, and although American military forces achieved tactical success in Iraq and Afghanistan, they have not been able to convert military victory into political success. This failure to consolidate military gains into stable order has cost both American lives and treasure, not to mention American credibility.

This failure to translate military success into a favorable political outcome is the subject of Nadia Schadlow's important new book. Why have our civilian and military leaders consistently failed to devote appropriate attention and resources to organizing for the political requirements of military intervention? The problem is not a new one. Afghanistan and Iraq are not aberrations.

Indeed, the requirement for American military governance goes back, at least, to the Mexican War. And the

War and the Art of Governance
*Consolidating Combat Success
into Political Victory*
by Nadia Schadlow
Georgetown, 344 pp., \$64.95

necessity for military governance is not limited to "small wars" or counterinsurgencies. Our most successful military governance operations were executed after World War II in Japan, Germany, and Italy.

But due to what Schadlow calls the "American denial syndrome," policymakers have consistently rejected the idea that governance should be a formal part of military operations. That "the United States continues to lack the operational capabilities to consolidate combat gains in order to reconstitute political order" she attributes to a combination of history and culture.

The first cause of the denial syndrome is concern about the appropriate role of the military in the American republic, according to which it is dangerous to give the military a role in governance, even abroad. Thus, despite the fact that the Army has been the only organization with the resources to midwife the transition from war to something like peace,

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both civilian leaders and the military have been reluctant to make that service the main agency of governance in a combat theater during an intervention.

A second cause of the reluctance to plan and organize for military governance is the ambivalence of Americans concerning “governing others,” a legacy of popular opposition to colonialism.

A third cause is the belief that civilians should be taking the lead in governance during wartime. The result has been the worst of both worlds: a failure to develop an institutionalized capacity for governance within the Army while simultaneously failing to allocate the resources necessary to create an effective standing civilian capability within the State Department or other nonmilitary departments and agencies.

The fourth reason has to do with the service culture of the United States Army: a focus on the operational level of war, which the eminent British military writer Hew Strachan has called a “politics-free” zone. This emphasis on operational excellence can be traced to Clausewitz’s distinction between “preparations for war” and “war proper,” and to Samuel Huntington’s description of the “expertise” of the military professional as “the management of violence.” But this focus goes against the grain of Clausewitz’s reminder that war is a continuation of politics “by other means.” In other words, wars are not fought for the sake of fighting itself but in order to achieve a political goal. If the objective of war is not a better political outcome, then war is simply a destructive act.

War and the Art of Governance comprises three parts. The first section describes governance operations themselves, summarizing the tensions that have shaped the conduct of governance-related tasks. The second section provides a historical overview of the debates and challenges that characterized governance operations in Mexico, California, New Mexico, the American South after the Civil War, Cuba, Puerto Rico, the Philippines, the Rhineland after the First World War, and, of course, the occupations of the onetime Axis powers after World War II.

Schadlow argues that despite the successes of the post-World War II military governments, the United States had done little to institutionalize approaches to the consolidation of political order following combat operations, the consequences of which manifested themselves in Iraq and Afghanistan. The last section offers her conclusions and recommendations.

First, she argues, both military and political leaders need to accept that the political dimension is an integral part of war. Shaping the postwar political order should *not* be an afterthought: For one thing, combat and governance operations often occur simultaneously. Second, given the centrality of politics to war, unity of command is essential not only to operational but also strategic success in war. Third, “although civilians formulate and drive policy,” the Army must have operational control over governance operations in war. Fourth, the military must resist the comfortable fiction that it can achieve policy ends by “kinetic” means launched at a distance. As T.R. Fehrenbach observed in *This Kind of War* (1963), his classic study of the Korean conflict:

Americans in 1950 rediscovered something that since Hiroshima they had forgotten: you may fly over a land forever; you may bomb it, atomize it, pulverize it and wipe it clean of life—but if you desire to defend it, protect it, and keep it for civilization, you must do this on the ground, the way the Roman legions did, by putting your young men into the mud.

Moreover, part of the task is not just to kill the enemy but to make sure that such killing serves policy ends.

Finally, the United States, especially American armed forces, must have standing organizations and capabilities prepared to conduct governance operations. The U.S. Army, especially, must see military governance as part of its core competence. The description of the Army’s professional expertise must expand beyond Huntington’s “management of violence.”

Schadlow is no advocate of “nation-building” as a goal of American foreign policy, but she contends that

if the United States is going to use force, it must think things through to the end. As Clausewitz observed, “no one starts a war—or rather, no one in his senses ought to do so—without first being clear in his mind what he intends to achieve by the war and how he intends to conduct it.” Thinking about the desired end state is inseparable from the use of force; war divorced from political goals is merely an act of wanton destruction.

Of course, one response to the American failure to achieve our goals in Iraq and Afghanistan has been the comfortable idea that the United States can simply avoid the use of military power. But this is a chimera. As Schadlow argues, “the messy interplay of what Thucydides called the ‘fear, honor, and interest’s that combust into war” is likely to remain beyond the control of leaders who would prefer to avoid the use of force. Political leaders will always face the decision to employ force in defense of American interests, and part of that decision is how to achieve a favorable political end.

This is an important work. Nadia Schadlow has been working on this topic for a long time, pointing out again and again in her work that winning battles and winning wars are not the same thing. And the book’s influence may well be enhanced by Schadlow’s recent appointment to the National Security Council staff, serving under Lieutenant General H.R. McMaster, a remarkable officer who has demonstrated his understanding of the principles Schadlow espouses here.

The United States is hardly obligated to “[go] abroad in search of monsters to destroy,” or to democratize the world by means of nation-building. But the chances are that we *will* have occasion to employ our military forces in defense of American interests. Policymakers should pay close attention to *War and the Art of Governance*. Whether we like it or not, war is a part of international politics, and if the United States is to avoid the errors of Iraq and Afghanistan, those responsible for American policy—military and civilian alike—are well advised to take Nadia Schadlow’s observations to heart. ♦

Luther's World

Understanding the man who was the powerhouse of the Reformation. BY JAMES R. PAYTON JR.

The ancient author of Ecclesiastes wrote, “Of making many books there is no end,” and that is undeniably true as we consider Martin Luther. With the sole exception of Jesus Christ, more books have been written about Luther than about any other person who has ever lived. In 1983, the 500th anniversary of his birth, more than 320 books and journal articles focused on the reformer. And this year marks the 500th anniversary of the putative beginning of the Protestant Reformation when, on October 31, 1517, Luther nailed his 95 theses on the Castle Church door in Wittenberg.

Given how many volumes have examined Luther in the half-millennium since he lived, it is not surprising when another excites little more than a yawn: how hard it is to plumb new depths of this challenging personality; how difficult to bring forward some insight that has not already appeared multiple times. *Martin Luther: Renegade and Prophet* manages this remarkable feat, and Lyndal Roper offers here an admirably researched and winsomely written treatment of the powerhouse of the Reformation. It serves up profound insights into the man whose struggles ended up shattering the unity of the church and initiating a new period in European history.

Studying Martin Luther is a daunting task: The Weimar edition of his works runs to more than a hundred volumes of dense print, with volumes typically exceeding 500 pages. Once he had become Professor of Bible at the

Martin Luther
Renegade and Prophet
by Lyndal Roper
Random House, 576 pp., \$40

University of Wittenberg in 1512, he averaged a major article or book every two weeks until his death in 1546. His works include sermons, biblical commentaries, theological treatises, polemics, hymns, liturgies, letters by the hundreds, and reflections on political issues of his day. Many scholars have focused on these abundant resources in their attempt to decipher Luther and the development of his remarkable—often startling, sometimes repulsive—perspectives, and their studies have assisted readers to become familiar with this most intriguing and challenging of the Protestant reformers. But Roper brings another package of scholarly expertise to her investigation of Luther, and because of that, her work offers keen and valuable insights.

Since 2011, Lyndal Roper has been Regius Professor of Modern History at Oxford, the first woman to hold that prestigious position. A respected and productive scholar of the Early Modern period, she already has innumerable significant studies to her credit. And in turning to Luther as subject, she utilizes her special expertise in social and cultural historical research.

Roper brings an interesting background to her academic labors. She notes that her early years were spent as a daughter in a Presbyterian manse in Australia, and strains of that experience periodically bubble up in comparisons with (or interesting asides about) some Protestant attitudes in the present day. An example of the former is

her contrast between Luther's emphasis on “by faith alone” and the contemporary Protestant experience of “being saved.” Particularly striking is her declaration that Luther's “religiosity had nothing saccharine about it. His relationship with God was not that of a believer cheerfully confident of having been ‘saved.’” An example of the latter is her comment contrasting Luther's attitudes about enjoying creation with “Calvinism, which was obsessed with disciplining pleasure.” In this regard, hers is an unschooled familiarity, though: She points out that unlike most of those who have produced biographies of Luther, she is not a trained church historian, but a historian of religion. This self-identified contrast points to both the strengths and weaknesses of this remarkable book.

Martin Luther is admirably written, sparkling with wit and insight, shaped in engaging prose. Roper has read and assiduously analyzed the archival resources about and personally traversed the streets of Mansfeld (where Luther spent his childhood), Eisenach (where he received his early schooling), Erfurt (where he took university training and entered the Augustinian monastery), and Wittenberg (where he received his doctorate and served as professor). She writes with insight about how the economies and social structures of these locales would affect a young person with a father eager for his son to rise in the world. Roper also assesses sharply how the deferential culture of Germany at the time influenced society, spawning both dependence and tensions. And she is especially alert to the interpersonal dynamics manifested in the small university at Wittenberg, where Luther soon grew from a junior member in the theology faculty to its dominant presence.

Her account of how that dominance played out in Luther's relationships with those who had the effrontery to disagree with him, or even place emphases differently than he did, may cause readers to squirm as they see manipulation and raw power used to humiliate and sideline others. For Luther's influence over others did not “just happen.” He shrewdly recognized the

James R. Payton Jr., professor emeritus of history at Redeemer University College in Ontario, is the author of Getting the Reformation Wrong.

opportunities afforded by the printing press for communicating his perspectives to increasing numbers of readers in Germany. He developed an attractive, entertaining vernacular style. Between 1518 and 1525, his publications outnumbered those of the next 17 most prolific authors combined!

Moreover, Roper emphasizes that “Luther’s inner development . . . is the abiding focus of this book.” She criticizes previous biographers for neglecting the social and cultural world in which Luther grew up and lived, leading them to focus on Luther as a “lone theological hero who stands above time and space.” Roper strives to rectify these portrayals by interpreting the Saxon reformer in terms of his sociocultural milieu, assessing the development of his views in terms of his relationship to father-figures—and his own sense of paternal authority for the movement he had unleashed. Her analysis of his correspondence also leads Roper to many useful assessments of how Luther related to others and the ways his thought developed. His perspectives stumbled forward by fits and starts, as he intuited and embraced further implications of his earlier assertions, reacted to arguments others brought against him, and repudiated ways some would-be supporters appropriated his teachings.

Readers familiar with Luther’s life and writings will have no cavil here, but they will sense a glaring omission. It is not just that “justification” plays so small a role in Roper’s narrative: Numerous scholars have found that you cannot understand Luther the reformer unless you understand Luther the monk—and Roper does not seem to understand Luther the monk. Of course, she deals with the details of his monastic life, but she does not acknowledge, or wrestle with, the driving impulse that both dominated and enervated the young monk. By entering monastic life, Luther sought to place himself in a situation where he could best prepare to meet his Maker; but his efforts, while exceeding even the strictest, most demanding, counsels, did not result in the slightest confidence that he might find peace with



Luther burns a papal bull in Wittenberg (1520).

God. The anguished quest which led to his training under the guidance of his father-confessor, Johann Staupitz, brought him a doctorate but no relief in his search—until his labors brought him to wrestle with the words of St. Paul in Romans 1:16-17. There Paul rejoiced in what terrified Luther (“the righteousness of God,” revealed in the gospel) until Luther discerned the emphasis that “the righteous one will live *by faith*”—and not by endeavors to placate a wrathful divine judge. Luther had stumbled upon the teaching from then on associated with him: Justification *sola fide*, being accounted righteous before God *by faith alone*.

This brought him “relief,” which he later humorously associated with an experience in the *cloaca*—the privy in the tower where he resided. Roper acknowledges that connection, but her otherwise-insightful treatment fails to discern how this not only freed Luther from his anguish but grew to dominate all his thought and actions. Other students have shown that the affirmation of justification by faith lies at the base of the subsequent developments of Luther’s thought until it became the recurring leitmotif in the thoughts and deeds of the reformer. Luther could also discern threats to this foundational conviction under every rock and behind every blade of grass in the landscape—and when he

did, he thrashed out vigorously, even hatefully, against erstwhile colleagues and the peasants who had appropriated the freedom that he celebrated as a call to social revolt.

This is essential to appreciating Luther’s emphasis on the Real Presence of Christ in the Eucharist, which Roper stresses. But her presentation, gifted as it is, fails to perceive the connection to Luther’s monastic quest. The point for Luther was that in the Eucharist, he received the actual body and blood of Christ, in whom he had received righteousness solely by faith. This was comfort to Luther—and should not be vaporized by some mental recourse to “memory,” as Ulrich Zwingli and those Luther dismissed as “sacramentarians” did.

As was common in monastic discourse at the time, Martin Luther could engage in crude, coarse language and personal vituperation. Those who crossed him in his later years discovered that his bombast was not without focus, if without restraint. Roper presents this clearly and unflinchingly—and her treatment of the anti-Semitic diatribes of Luther’s later years puts them into context but does not excuse them by relationship to what were common patterns then but are repugnant now. So Lyndal Roper presents Luther here, raw edges and all, and offers a significant addition to Luther scholarship. ♦

First in Hearts

Two centuries on, the ideal of George Washington abides. BY EDWARD ACHORN

What is there left to write about George Washington? What insights can be gleaned about a man who has been the subject of centuries of biographies—many devoted to bringing the “flesh and blood” Washington to life—yet who still seems, in his “icy majesty,” to stand above and apart from us?

Some have attempted to cut him down to size by portraying him as considerably less than a god, a privileged white landowner who advanced his career on the backs of his slaves’ labor, blundered as a military leader, and failed to protect Native Americans as their Great White Father. Others have deplored his explosions of anger and thin-skinned obsession with reputation, and accused him of twisting every action of his public life into a self-serving maneuver to gain power and fame.

Yet there’s no honest way to destroy George Washington’s legacy as the indispensable American. For a quarter-century, he was the living symbol of a new kind of country—the man who rallied his people to keep fighting in the revolution as its oft-defeated yet unconquerable military leader; the most important force behind the creation of a strong and sustainable federal government; and the leader who cemented in place constitutional liberty and the rule of law as the nation’s first and greatest president. His noble stature, immense courage, willingness to relinquish power, tenacity, pragmatism, and love of freedom were critical to the

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George Washington
The Wonder of the Age
by John Rhodehamel
Yale, 368 pp., \$32.50



George Washington on Wall Street

establishment of the world’s greatest and most powerful republic, one that survived a catastrophic civil war over slavery and, ultimately, turned aside dire threats from totalitarian regimes of the 20th century.

Those who find it hard to see America in the light of its value to humanity may wish we would forget such Dead White Males. But those who desire to prolong our freedom will want to teach themselves and their children about this man—who was, in fact, flesh and

blood: what he sacrificed, what he achieved, and what that means for all of us.

James Thomas Flexner’s four-volume biography and Ron Chernow’s 900-page *Washington: A Life* are certainly among the best works. For those with less time to devote, John Rhodehamel now offers this brief and balanced, yet stirring, look at Washington’s life in under 400 pages. Rhodehamel, former archivist of Mount Vernon and editor of the Library of America’s collection of Washington’s writings, hits the high points well, not only of Washington’s life but of recent approaches to it. This is not a hagiography.

He was a proud but insecure man who could confuse dissent with disloyalty. [Yet he was also] the central figure in a radical revolution that aimed at nothing less than the transformation of Western civilization.

In a few deft strokes, a memorable portrait is painted of the audacious young Washington and his fierce ambition to succeed, in part by cultivating powerful friends in colonial Virginia, in part by plunging into the cold and deadly wilderness to make a name for himself as a soldier. He was a magnet for fame, and a passage from a letter he wrote to his brother—“I heard Bullets whistle and believe me there was something charming in the sound”—made it into the London newspapers, earning the disdainful attention of George II. Driven by his sense of destiny, Washington survived a massacre of British forces under General Edward Braddock, writing that “the miraculous care of Providence . . . protected me beyond all human expectation.” That miraculous care would reappear throughout his life.

Still, he had clashed with civilian authorities and made poor decisions in his twenties, and the British authorities repeatedly demonstrated disdain for a mere colonial. These experiences worked a profound change in him, helping him to grasp the importance of political skills in military leadership. When it came time to break from Great

Britain (1775-83), Rhodehamel writes, “General Washington played the role of the soldier-statesman as successfully as any figure in world history ever has. His political genius evoked feelings of awe in his contemporaries.”

In our age, Washington strikes many as “conservative,” but he was an early, radical advocate for independence and liberty for individuals, realizing that appeals to Britain for justice were futile. (“Washington had scores to settle with the British Empire,” Rhodehamel observes.) The general stubbornly persisted in the cause, even when ill-equipped and all but abandoned by the country. During the brutal winter at Valley Forge (1777-78), 2,500 of his men died of cold, starvation, and disease. Yet he continued to obey Congress.

It was one measure of his extraordinary self-control that this combative, fearless man allowed himself to be governed by prudence and his devotion to the republican ideal of the subordination of military to civilian authority.

When the war was over, he voluntarily relinquished power, a crucial step for the young republic.

After the war, Washington championed the cause of securing freedom through a strong and sustainable government: “With our fate will the destiny of unborn Millions be involved,” he presciently declared. Though suffering painful rheumatism and the loss of teeth that made it embarrassing to speak, he emerged from retirement to serve as president of the Constitutional Convention—and of the United States under its new Constitution, brilliantly creating the model for a strong but constrained chief executive. His voluntary departure after two terms “confirmed the nation’s republican character.”

It’s hard, of course, to find a more glaring contrast than between the austere and restrained first president of the United States and the businessman-entertainer who currently fills the office. Yet it was George Washington who created a national edifice so strong that it could endure electoral shifts—even as jarring as the latest one—without cracking. ♦

BCA

A Rebel’s Faith

The inner life, and outer vision, of Georges Rouault.

BY LEANN DAVIS ALSPAUGH

Durham, N.C.

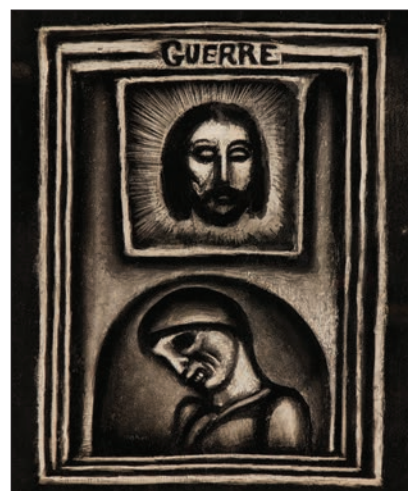
Georges Rouault (1871–1958) was born with a bang. A shell struck Rouault père’s home during the Commune, and Madame went into labor. Of his birth, Rouault said, “In the faubourg of toil and suffering, in the darkness, I was born. Keeping vigil over pictorial turpitudes, I toiled miles away from certain dilettantes.”

Here is Rouault’s flair for the theatrical, as well as his stringent sense of morality—qualities that appeared through his art as melancholy clowns and joyless prostitutes, or as corrupt judges and profligate society types. In *Miserere et Guerre*, Rouault unleashed the full force of his faith, his sense of drama, and his unsparing critique of man in a series of 58 prints made from 1922 to 1927 (three of the prints are not on view here).

A painter, printmaker, and stained-glass artist, Georges Rouault was a deeply introspective man of faith and fearlessness. He enjoyed cultivating the public persona of the solitary genius, whose work defied categorization and baffled the critics. His originality is undeniable but his willfulness often led to his being ignored: This master of stained glass did not receive a commission for church windows until he was 74 years old.

Absorbing the expressive austerity of *Miserere et Guerre* makes it all the more startling to recall that Rouault studied at the atelier of the decadent symbolist Gustave Moreau. Yet Moreau proved, as a teacher and friend, to have an enormous influence on Rouault. Moreau taught his students—who also

Miserere et Guerre
The Nasher Museum
Duke University Chapel
through July 23



‘The Very Ruins Have Been Destroyed’

included Matisse—to prize their inner lives as the only constant, as a reality given by God and thus the only aspect of life in which to put one’s trust. Rouault quoted Moreau’s confession of faith: “My inner consciousness (*sentiment intérieur*) alone appears eternal and unquestionably certain.” Moreau taught that inner sensitivity should lead not to egotism but to spiritual humility, and to an independence of spirit, an artistic integrity won through sobriety, diligence, and, unavoidably, solitude: “the quality of being yourself is granted to a very few people.”

The quality of being Rouault is not something easy to love. His work is dissonant, dark, macabre, full of conflict. Critics have called it ugly, unpleasant, and tumultuous. Scholars debate whether he was an expressionist (he would have detested such a tag), a Fauve (plausible given his

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COURTESY OF THE NASHER MUSEUM

savage colorism), a neomedievalist (art should glorify God), or, with his focus on the subconscious, a surrealist (a very unsatisfactory label indeed). Undoubtedly, his technical and formal affinities lie with expressionism, but as Moreau counseled, he makes his own way. The idiosyncratic choice of imagery and themes found in *Miserere et Guerre* sometimes follows a logic that only Rouault could fathom.

For various reasons, *Miserere et Guerre* remained unpublished until 1948. As Stephen Schloesser has noted, this allows us to assess “the differences between contexts of production and contexts of reception.” To these we might add a context of exhibition. Thirty-six of the images hung at Duke Chapel during Lent: Grouped in six sets of three along each side of the nave, these prints made for a bracing Lenten pilgrimage toward the altar. The gothic splendor of the chapel, with its deep shadows and soaring space, underscored the series’ themes of darkness and hope.

Rouault appended his own captions, drawing primarily on the Bible as well as Pascal, Plautus, Lucan, Virgil, and Horace. He also canvassed some of his characteristic social themes: the abuse of power, bourgeois complacency, the plight of the poor and alienated, the evils of war. The variations in technique give these prints a kind of cadence, from the brushy “and Veronica with her delicate linen still goes her way” (plate 33), a tender evocation of the imprint of Christ’s face on the saint’s veil, to “In all things, tears” (27), an extensively reworked image in which a monumental, faltering figure is burdened by a strange knapsack. Is he a soldier, a refugee, or the Lord struggling on the road to Calvary?

The series title pages, *Miserere* (“Have mercy upon me, O God, according to thy loving kindness”) and *Guerre* (“They have ruined even the ruins”), have the appearance of grave-stones or decorative emblems, the for-

mer elaborate and symbolic, the latter ordered and severe. Taken as a diptych, these two images ground the series in the dichotomies that Rouault returns to again and again: mercy/war, sacred/profane, seen/unseen, and Christ/man. Likewise, Rouault the mystic coexists with Rouault the ruthless chronicler of man’s ridiculousness. The medieval sovereign with a rictus grin in “We think ourselves kings” holds court with a doleful clown in “Who does not



“Take Refuge in Your Heart”

paint himself a face.” Satire pure and simple animates “We are insane,” featuring two bourgeois men with rolling eyes, while in “Auguries” a woman is caught between two fortune-tellers.

The curatorial decisions about the chapel groupings are generally well considered, but at times one feels that Rouault’s social conscience gains ascendance over his spirituality. For example, one grouping is described as emphasizing “the injustices of various power structures and the helplessness of its victims.” These images—on one side “It is hard to live,” “It would be so sweet to love,” and “Jean-François never sings alleluia,” and on the other, “The condemned man is led

away,” “His lawyer, in hollow phrases, proclaims his entire unawareness,” and “Face to face”—do indeed depict corruption and the impossibility of earthly justice. But behind them is the ever-present idea of Christ, whose humiliation, and by extension our own, is not the end of the story.

At the nearby Nasher Museum, where the exhibition continues, the introductory wall text describes these 19 works on view as representing “the plight of the suffering refugee, the devastation of the land, and the cruelty and corruption of the powerful.” Much of Rouault’s work in the early 20th century was influenced by his own experiences of poverty and his participation in the Catholic activist movement. But to reduce his work to concerns for immigrants and the environment is to overlook the central fact of his artistic motivation: that man’s tragic fate can only be reconciled by coming to terms with Christ on the cross.

In fact, being a Catholic in France in the early 20th century called for a particularly tenacious and robust form of faith. In 1901, as part of a larger move to separate church and state, the French passed a law making religious communities illegal. The Roman Catholic resurgence of the late 19th century were cut short by the Great War and the socialist forces taking root in Europe. “As a Christian in such hazardous times,” Rouault wrote, “I believe only in Jesus on the cross. I am a Christian of olden times.” His words show his instinctual unity with believers throughout the ages and an essential humility and moral strength that require no cultural prevarication.

As works of art, these images are fierce and marvelous, remarkable for their line, depth, and lambent tonalities. Their resplendence lies in the artist’s unshakable faith and his equanimity about man’s plight, continually offering pity rather than denunciation, hope in place of despair. How does he achieve this? As he wrote in the series preface, “Jesus on the cross will tell you better than I.” ♦

COURTESY OF THE NASHER MUSEUM

Word Inflation

The iconic overuse of two venerable terms.

BY STEPHEN MILLER

Driving past an office building under construction in Reston, Virginia, where I live, I noticed posters on the building that said: “Iconic Offices.” While reading a newspaper online, a pop-up ad came up that said, “Make Your Escape Iconic!” It was promoting a hotel in Miami Beach. I was puzzled. Doesn’t iconic mean something venerable that is admired for being distinctive in some way? How can offices that are still being built, or a vacation in Miami Beach, be called iconic?

“Iconic” and “icon” come from the ancient Greek word *eikon*, which denotes a likeness or an image. In ancient Greece, *eikons* (so the *Oxford English Dictionary* says) referred to “statues of victorious athletes executed in a conventional style.” Anyone who has taken a course in art history knows that icons are also small religious paintings, usually of the Madonna or Christ and his disciples. They became popular in Byzantium after Constantine the Great made Christianity the state religion; later, they became popular in Russia. “Icons” now also refer to graphic computer symbols.

Religious icons were so popular after the reign of Justinian that there was a reaction against them, the so-called Iconoclastic Controversy. And many Christians were offended by them. Quoting the Second Commandment, which proscribes graven images, they said that icons were idolatrous. Iconoclasm was also a strong strain in Calvinism. In 16th-century Europe iconoclastic riots

took place in many Protestant cities; in 1549, a mob incited by radical Protestant preachers destroyed many of the interior decorations in the old St Paul’s Cathedral. By the 18th century, religious iconoclasm waned. An iconoclast now refers to someone who attacks the conventional wisdom about anything—religion, art, science, government.

For 200 years, the words “icon” and “iconic” fell into disuse. But in the 1960s they gradually became popular, though now they had no connection with religion. According to the Merriam-Webster dictionary, “iconic” refers to something that is “widely recognized and well-established” or something “widely known and acknowledged especially for distinctive excellence.”

In recent years, the use of “icon” and “iconic” has soared. Why did the words become so popular? I suspect that writers were tired of the standard adjectives of praise: It’s boring to say that someone or something is famous, impressive, or distinctive. “Iconic” sounds classy.

Now it’s hard to overestimate the popularity of “iconic” and “icon.” In one recent week I read about the iconic Henry David Thoreau, the iconic ballet *Swan Lake*, the iconic stethoscope, the iconic John Muir, the iconic Jane Austen, the iconic Dow Jones Industrial Average, the iconic Isaac Newton, the iconic polar bear, and the iconic modern Indian play *Chand Baniker Pala* by Sombhu Mitra.

Washington Post headline writers seem to be infatuated with “iconic.” From November 2016 to early February 2017 it was used (by my count) six times, mainly in the newspaper’s Style section. We learned that “as iconic Princess Leia, Carrie Fisher was a life

force to be reckoned with.” We also learned that “In ‘Jackie,’ Natalie Portman plays an iconic first lady as masterful myth-maker.”

To be sure, the adjective’s meaning is hard to nail down. The Macmillan dictionary gives three synonyms—famous, well-known, celebrated. The Merriam-Webster doesn’t give any synonyms. Rather, it issues a warning:

Iconic has become part of the language of advertising and publicity; today companies and magazines and TV hosts are constantly encouraging us to think of some consumer item or pop star or show as . . . absolutely “iconic.”

“Icon,” incidentally, is just as popular as “iconic.” In one issue of the *Times Literary Supplement* I read about two books with “icon” in the title: *Reagan: American Icon* and *Ice Bear: The Cultural History of an Arctic Icon*. Clicking on the *New York Times*’s website I saw: “Photojournalist visits an icon of welcome for immigrants.”

Will “iconic” and “icon” fade from overuse? Not likely. The words have cachet: The *Wall Street Journal* now has a section called “Icons,” and *Vanity Fair* puts out special issues called *Vanity Fair Icons*. In a recent *Washington Post* there was the following headline: “An American icon—for all seasons.” (The writer was referring to Frederick Douglass.) A few days later there was yet another reference to “iconic” in the *Post*’s Style section: An article about a house that Sally Quinn is selling included this sentence from the real-estate listing: “This is a rare opportunity to own an iconic property in one of the most coveted locations in the Hamptons.”

Soon, I suspect, “iconic” will be found on menus: “Try our iconic Philly Cheesesteak with a side order of our iconic sweet potato fries.” Graphic icons are already on some menus in New York. The city’s health department requires chain restaurants with 15 or more locations to display a salt shaker icon next to menu items or combo meals that contain 2,300 or more milligrams of sodium.

To paraphrase Shelley, if salt icons are here, can sugar icons be far behind? ♦

Stephen Miller is the author, most recently, of Walking New York: Reflections of American Writers from Walt Whitman to Teju Cole.

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Melts in Your Mouth, Not in Your Hand

TUESDAY, MAY 23, 2017 • \$2

Perez reveals David Mamet now head speechwriter

**PLAYWRIGHT
RAISES EYEBROWS**

*Calls for "new f***ing
way forward"*

BY DAKE WALLINGFORD

In the latest attempt to strike a tone of deep resistance to the policies of the Trump administration, Democratic National Committee chairman Tom Perez revealed this week that he has hired acclaimed playwright David Mamet as his head speechwriter and delivered Mamet's latest blistering take-down of Donald Trump at Organizing for Action's annual conference in Baltimore on Sunday.

"This mother—do you believe what this Trump mother—this mother[expletive] is just a—he's—you've—this mother[expletive]," Price opened his remarks to the packed auditorium at Loyola College, before decrying the path President Trump has set for the nation. "We need a new [expletive] way forward, this is what—a new way forward. We need it—and right [expletive] now!"

The speech marked a continued shift in tone in Perez's speeches since Trump took office back in



MAMET, DAVID SHANKBONE

Playwright David Mamet, right, gestures to the media at his introduction by DNC chairman Tom Perez in Washington Monday.

January. "This whole administration just loads one steaming pile of [expletive] on top of another, on top of another, on top of a [expletive] 'nother," Perez told the rapt crowd in Baltimore. "I'll tell you—we need—we need some [expletive] respect for [expletive] women in this [expletive] country. For [expletive] immigrants. For [expletive] science. [Expletive]!"

Perez's speeches have not only become more aggressive, but have also grown increasingly stylized since he first hired the Pulitzer Prize winner to craft his message back in March, often requir-

ing more than two full hours for the true message of the speech to be revealed. "A man comes to me—a man of esteem. Of respect. No bull[expletive]," began a typical passage from Perez's speech at the March for Science last month. "A man comes to my door. Knocks on the [expletive] door. This man of esteem. '[Expletive] Christ almighty!' he says, this—this is a serious man, a [expletive] man of esteem. He's a man of esteem. A [expletive] man of

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